

REPRESENTATIVE PATRICIA HARLESS
HIGHLY CONFIDENTIAL

6/20/2014

1 (Pages 1 to 4)

<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION 4 MARC VEASEY, et al.,) 5 Plaintiffs,) 6 v.) Civil Action 7) No. 2:13-cv-193(NGR) 8 RICK PERRY, et al.,) 9 Defendants.) 10) 11 UNITED STATES OF AMERICA,) 12 Plaintiff,) 13) 14 TEXAS LEAGUE OF YOUNG) 15 VOTERS EDUCATION FUND,) 16 et al.,) 17) 18 Plaintiff-) Civil Action 19 Intervenor,) No. 2:13-cv-263(NGR) 20) 21 TEXAS ASSOCIATION OF) 22 HISPANIC COUNTY JUDGES AND) 23 COUNTY COMMISSIONERS,) 24 et al.,) 25) 26 Plaintiff-) 27 Intervenor,) 28) 29 v.) 30) 31 STATE OF TEXAS, et al.,) 32 Defendants.) 33) 34 <<<<<HIGHLY CONFIDENTIAL>>>>> 35 ***** 36 ORAL DEPOSITION OF 37 REPRESENTATIVE PATRICIA HARLESS 38 JUNE 20, 2014 39 *****</p>	<p style="text-align: right;">3</p> <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF UNITED STATES OF AMERICA: 4 5 U.S. DEPARTMENT OF JUSTICE 6 Civil Rights Division 7 950 Pennsylvania Avenue, NW - NWB Room 7254 8 Washington, D.C. 20530 9 Mr. Daniel J. Freeman 10 202.305.4355 11 daniel.freeman@usdoj.gov 12 13 FOR THE PLAINTIFFS TEXAS STATE CONFERENCE OF NAACP 14 BRANCHES, MEXICAN AMERICAN LEGISLATIVE CAUCUS OF THE 15 TEXAS HOUSE OF REPRESENTATIVES: 16 DECHERT LLP 17 902 Carnegie Center, Suite 500 18 Princeton, New Jersey 08540 19 Mr. Ezra D. Rosenberg 20 609.955.3200 21 ezra.rosenberg@dechert.com 22 23 FOR THE DEFENDANT TEXAS LEAGUE OF YOUNG VOTERS 24 PLAINTIFF-INTERVENORS: 25 WILMER CUTLER PICKERING HALE AND DOOR, LLP 1875 Pennsylvania Avenue, NW Washington, D.C. 20006 Ms. Tania Faransso 202.663.6262 tania.faransso@wilmerhale.com 26 27 FOR THE DEFENDANTS: 28 29 OFFICE OF THE ATTORNEY GENERAL OF TEXAS 30 Consumer Protection Division 31 808 Travis, Suite 1520 32 Houston, Texas 77002 33 Ms. Rosemarie Donnelly 34 713.225.8919 35 rosemarie.donnelly@texasattorneygeneral.gov</p>
<p style="text-align: right;">2</p> <p>1 ORAL DEPOSITION of REPRESENTATIVE PATRICIA 2 HARLESS, produced as a witness at the instance of the 3 Texas State Conference of NAACP Branches, Mexican 4 American Legislative Caucus of the Texas House of 5 Representatives, and duly sworn, was taken in the 6 above-styled and numbered cause on June 20, 2014, from 7 9:13 a.m. to 1:27 p.m., before Denyce M. Sanders, CSR, 8 RPR, CRR, TCRR, in and for the State of Texas, 9 recorded by machine shorthand, at the Attorney 10 General's Office, 808 Travis Street, Suite 1520, 11 Houston, Texas, pursuant to the Federal Rules of Civil 12 Procedure and the provisions stated on the record or 13 attached hereto; signature having been waived. 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 FOR THE DEFENDANTS RICK PERRY, STATE OF TEXAS, NANDITA 2 BERRY, AND THE DEPARTMENT OF PUBLIC SAFETY: 3 4 OFFICE OF THE ATTORNEY GENERAL 5 TORT LITIGATION DIVISION 6 P.O. Box 12548, Capitol Station 7 Austin, Texas 78711 8 Mr. S. Ronald Keister 9 512.463.2197 10 ronny.keister@oag.state.tx.us 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 EXHIBIT INDEX	1 REPRESENTATIVE PATRICIA HARLESS,
2 ORAL DEPOSITION OF	2 having been first duly sworn, testified as follows:
3 REPRESENTATIVE PATRICIA HARLESS, JUNE 20, 2014	3 MR. ROSENBERG: Just for the record,
4 Description Page	4 there is an open line for the plaintiffs, but my
5	5 understanding is that no one's on; is that correct?
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17 Harless 171 House Bill 112..... 104	17 time you were deposed in the Section 5 litigation?
18 Harless 172 2/25/11 e-mail from Ann 115	18 A. No. Not that I know of.
19 McGeehan to Patricia	19 Q. Just to refresh your recollection as to the
20 Harless 173 2/25/11 e-mail from Ann 116	20 rules, you understand that you're testifying under
21 McGeehan to Colby Beuck	21 oath?
22 Harless 174 Excerpt from Voter Fraud 119	22 A. (Nods head.)
23 Harless 175 2/1/11 e-mail from Ann 123	23 Q. I'm going to have to give you the --
24 McGeehan to Karen Richards,	24 A. Yes. Yes.
25 et al.	25 Q. -- next instruction --

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<p style="text-align: right;">9</p> <p>1 A. Yes.</p> <p>2 Q. -- earlier.</p> <p>3 Because what you say, it's going to be put</p> <p>4 into a transcript that might be used in this case,</p> <p>5 it's important that you answer verbally. Nods of the</p> <p>6 head and shrugs of the shoulder aren't taken down by</p> <p>7 the transcriber.</p> <p>8 Do you understand that?</p> <p>9 A. Yes.</p> <p>10 Q. It's also important that you understand the</p> <p>11 questions that I ask. If you don't, please tell me,</p> <p>12 and I'll try to clarify it for you. Okay?</p> <p>13 A. Yes.</p> <p>14 Q. At any time, if you want a break, so long as</p> <p>15 there's not a question pending, let me know, and we</p> <p>16 can take a break.</p> <p>17 A. Thank you.</p> <p>18 Q. Okay. You were deposed in the Section 5</p> <p>19 litigation. I'm not intending to go over questions</p> <p>20 that you actually answered in that deposition unless</p> <p>21 it's necessary to -- for clarity, so we will try to</p> <p>22 speed along as expeditiously as possible. Okay?</p> <p>23 A. Yes, sir.</p> <p>24 Q. First of all, did you meet with anyone in</p> <p>25 preparation for today's deposition?</p>	<p style="text-align: right;">11</p> <p>1 A. Yes, sir.</p> <p>2 Q. Did you review any other documents?</p> <p>3 A. Just read through a copy of the bill.</p> <p>4 Q. And by "the bill," do you mean SB 14?</p> <p>5 A. Yes, sir.</p> <p>6 And just -- well, we'll mark that in a few</p> <p>7 minutes, I think.</p> <p>8 (Harless Exhibit 162 marked/introduced.)</p> <p>9 Q. (BY MR. ROSENBERG) Let me show you a</p> <p>10 document that has been premarked. I only have one</p> <p>11 copy, so you have it. It's been premarked as Exhibit</p> <p>12 162.</p> <p>13 MR. ROSENBERG: Oh, there is more</p> <p>14 copies? Oh, good.</p> <p>15 Q. (BY MR. ROSENBERG) I'm going to ask you if</p> <p>16 you've seen this document before?</p> <p>17 A. I'm not sure.</p> <p>18 Q. I will represent to you that is a subpoena to</p> <p>19 produce documents that was served on you through the</p> <p>20 attorney general's office.</p> <p>21 Are you aware that there was a subpoena</p> <p>22 asking for documents that were served on you this</p> <p>23 year?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Did you look at the subpoena?</p>
<p style="text-align: right;">10</p> <p>1 A. Yes, sir.</p> <p>2 Q. And with whom did you meet?</p> <p>3 A. Rosemarie.</p> <p>4 Q. Now, is Rosemarie your lawyer representing</p> <p>5 you in this deposition?</p> <p>6 A. Yes, sir.</p> <p>7 Q. How long did you meet with her?</p> <p>8 A. 45 minutes, an hour.</p> <p>9 Q. And when was this?</p> <p>10 A. Yesterday afternoon.</p> <p>11 Q. Did you review any -- and was anyone else in</p> <p>12 that meeting?</p> <p>13 A. No, sir.</p> <p>14 Q. Did you review any documents in preparation</p> <p>15 for this deposition?</p> <p>16 A. Personally?</p> <p>17 Q. Yes.</p> <p>18 A. I looked through the transcript of my first</p> <p>19 deposition in this case.</p> <p>20 Q. Okay. And you were deposed twice in that</p> <p>21 case; do you recall that?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And did you review both transcripts?</p> <p>24 A. No, sir.</p> <p>25 Q. Just the first one?</p>	<p style="text-align: right;">12</p> <p>1 A. Yes, sir.</p> <p>2 Q. And when was that, do you recall?</p> <p>3 A. No, sir.</p> <p>4 Q. And have you -- what did you do in response</p> <p>5 to the subpoena?</p> <p>6 A. My office produced the documents.</p> <p>7 Q. Did you review the documents before they were</p> <p>8 produced?</p> <p>9 A. No, sir.</p> <p>10 Q. Who collected the documents for you in your</p> <p>11 office?</p> <p>12 A. I assume my chief of staff, Julie Scott. But</p> <p>13 I don't know for sure.</p> <p>14 Q. Did you -- do you know if documents were</p> <p>15 gathered from your personal e-mail accounts in</p> <p>16 connection with the subpoena?</p> <p>17 A. I have none.</p> <p>18 Q. You do not have any personal e-mail accounts?</p> <p>19 A. Not since we first turned them over --</p> <p>20 Q. Back in --</p> <p>21 A. -- in the first --</p> <p>22 Q. -- 2012?</p> <p>23 A. Yes.</p> <p>24 Q. Now, you mentioned SB 14 a few moments ago.</p> <p>25 And just for the record, what is SB 14?</p>

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<p style="text-align: right;">13</p> <p>1 A. It's the photo voter ID legislation.</p> <p>2 Q. That was actually passed in 2012?</p> <p>3 A. 2011.</p> <p>4 Q. 2011.</p> <p>5 And prior to the passage of SB 14, you're</p> <p>6 aware that there were other voter identification bills</p> <p>7 that were considered by the Texas legislature?</p> <p>8 A. There were other bills filed in past</p> <p>9 sessions, yes.</p> <p>10 Q. And --</p> <p>11 A. I'm aware of that.</p> <p>12 Q. And did you support any of those bills?</p> <p>13 A. I -- I don't know if those bills made it to</p> <p>14 the floor to vote on.</p> <p>15 Q. Do you recall whether any of the prior bills</p> <p>16 included both photo ID and non-photo ID provisions?</p> <p>17 MS. DONNELLY: Objection. Form.</p> <p>18 A. I don't remember.</p> <p>19 MS. DONNELLY: I'm going to object to</p> <p>20 the form.</p> <p>21 Q. (BY MR. ROSENBERG) I'm sorry, you don't</p> <p>22 remember?</p> <p>23 A. No, sir.</p> <p>24 Q. Do you remember whether you ever supported a</p> <p>25 voter identification bill that included nonphoto ID</p>	<p style="text-align: right;">15</p> <p>1 you clearly state you're doing so rather than simply</p> <p>2 not providing part of a response to an answer based on</p> <p>3 the privilege.</p> <p>4 MS. DONNELLY: And that's okay, with the</p> <p>5 exception that please do not reveal communications</p> <p>6 with other legislators since the legislative</p> <p>7 privilege -- that they are entitled to is theirs to</p> <p>8 decide whether they wish to waive it or not.</p> <p>9 Are you with me?</p> <p>10 THE WITNESS: I'm not sure I'm with the</p> <p>11 whole group. So you're saying, be clear if I'm</p> <p>12 asserting legislative intent --</p> <p>13 MR. ROSENBERG: Privilege.</p> <p>14 THE WITNESS: -- or privilege. Do I</p> <p>15 need to state that I want that sealed again, or --</p> <p>16 MS. DONNELLY: No.</p> <p>17 And if you don't mind, I'd like to just</p> <p>18 instruct the witness myself, if you don't mind.</p> <p>19 When we object -- when I object to a</p> <p>20 question that is covered by legislative privilege,</p> <p>21 you're free to answer the question if you wish, your</p> <p>22 answer will be under seal. The lawyers will want to</p> <p>23 assume that you've answered completely unless we state</p> <p>24 otherwise, and that's fine.</p> <p>25 THE WITNESS: We, me, or --</p>
<p style="text-align: right;">14</p> <p>1 provisions?</p> <p>2 A. I -- I don't remember. I don't know if a</p> <p>3 bill ever made it to the floor.</p> <p>4 Q. Let's go to SB 14. And if you would, please</p> <p>5 tell me your memory as to your first involvement with</p> <p>6 SB 14.</p> <p>7 MS. DONNELLY: I'm going to object to</p> <p>8 the extent the question calls for information that is</p> <p>9 covered by the legislative privilege.</p> <p>10 And subject to that objection, if the</p> <p>11 witness would like to answer it, that answer will be</p> <p>12 under seal pursuant to the Court's order.</p> <p>13 Q. (BY MR. ROSENBERG) And I'm sure that your</p> <p>14 counsel has explained this to you, Representative</p> <p>15 Harless, but you do have the -- whether or not it's a</p> <p>16 proper assertion of legislative privilege -- the</p> <p>17 question -- but for any question as to which you feel</p> <p>18 legislative privilege applies, you do have the option,</p> <p>19 as Counsel said, to testify, and your answer would be</p> <p>20 under seal.</p> <p>21 Do you understand that?</p> <p>22 A. Yes, sir.</p> <p>23 MR. FREEMAN: If I can just say, if it's</p> <p>24 possible for you to be clear, if you decline to answer</p> <p>25 based on the legislative privilege, I would ask that</p>	<p style="text-align: right;">16</p> <p>1 MS. DONNELLY: When the two of us states</p> <p>2 that there's a portion of your answer that is not</p> <p>3 being responded to because it's the legislative</p> <p>4 privilege of another legislator.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MS. DONNELLY: So with that exception,</p> <p>7 you'll be answering completely to the best of your</p> <p>8 knowledge, but your answer will be under seal.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MS. DONNELLY: Does that work?</p> <p>11 MR. FREEMAN: Yeah.</p> <p>12 THE WITNESS: Okay.</p> <p>13 A. I don't know what the question was now.</p> <p>14 MS. DONNELLY: Well, it's just going to</p> <p>15 keep coming up, so it's good to get it out on the</p> <p>16 table and to proceed.</p> <p>17 MR. ROSENBERG: You know what, we'll</p> <p>18 just have it read back, the question before this whole</p> <p>19 colloquy.</p> <p>20 THE REPORTER: "Let's go to SB 14. And</p> <p>21 if you would, please tell me your memory as to your</p> <p>22 first involvement with SB 14."</p> <p>23 A. First involvement with SB 14, I don't know.</p> <p>24 Q. (BY MR. ROSENBERG) Okay. Did there come a</p> <p>25 time when you were asked to -- or someone discussed</p>

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<p style="text-align: right;">17</p> <p>1 with you the idea of your being the sponsor of SB 14</p> <p>2 in the House?</p> <p>3 A. I don't remember. I know I filed a bill</p> <p>4 similar to SB 14.</p> <p>5 MR. KEISTER: Can I ask you a question</p> <p>6 before we get going?</p> <p>7 MR. ROSENBERG: Sure.</p> <p>8 MR. KEISTER: Are we doing this on a</p> <p>9 question-by-question basis on the legislative</p> <p>10 privilege, or are we doing a block of sealed</p> <p>11 information?</p> <p>12 MR. ROSENBERG: If she is willing to</p> <p>13 testify while asserting the privilege -- I think we</p> <p>14 have to actually have the -- an understanding as to</p> <p>15 when the privilege is asserted.</p> <p>16 MR. KEISTER: Right. Yeah.</p> <p>17 MR. ROSENBERG: But I'd love to be able</p> <p>18 to streamline this in some way.</p> <p>19 MR. KEISTER: I understand.</p> <p>20 MR. ROSENBERG: So that we don't have to</p> <p>21 go through it each time.</p> <p>22 MR. KEISTER: And that was my concern,</p> <p>23 Rosemarie, if we're going to have to do a question-by-</p> <p>24 question or if there can be a block, because I don't</p> <p>25 want you asserting the last question but now he's</p>	<p style="text-align: right;">19</p> <p>1 MS. DONNELLY: Switch.</p> <p>2 MR. KEISTER: -- are switching from</p> <p>3 legislative privilege to non? How are we going to</p> <p>4 designate that?</p> <p>5 MR. FREEMAN: I mean, I think it's</p> <p>6 necessary that we have an understanding of when the</p> <p>7 objection -- the running objection ceases, because</p> <p>8 obviously not the entire thing is --</p> <p>9 MS. DONNELLY: Well, why don't we run</p> <p>10 the objection, and then we can decide when the</p> <p>11 objection is no longer running? How's that?</p> <p>12 MR. ROSENBERG: We can try that.</p> <p>13 MR. FREEMAN: That's absolutely fine.</p> <p>14 Q. (BY MR. ROSENBERG) I think the question was:</p> <p>15 Did there come a time when you became the sponsor of</p> <p>16 SB 14 on the House floor?</p> <p>17 A. Yes.</p> <p>18 Q. And can you tell me, if you recall, what the</p> <p>19 circumstances were that led to your becoming the</p> <p>20 sponsor of SB 14 on the House floor.</p> <p>21 MS. DONNELLY: Here we're going to start</p> <p>22 a running objection that this line of questioning will</p> <p>23 be covered by the legislative privilege. Your answers</p> <p>24 will be under seal. Until we, at such time, say the</p> <p>25 running objection is no longer applied, your answers</p>
<p style="text-align: right;">18</p> <p>1 asking another question.</p> <p>2 MS. DONNELLY: Yeah, if you will agree</p> <p>3 to a running objection on this line of questioning</p> <p>4 regarding SB 14, and then I don't have to keep</p> <p>5 interrupting you.</p> <p>6 MR. ROSENBERG: You know, if she's</p> <p>7 then -- willing to testify under seal; but if there's</p> <p>8 something she's not saying and not testifying to, then</p> <p>9 we have to know that.</p> <p>10 MS. DONNELLY: Yeah.</p> <p>11 MR. ROSENBERG: So I think then we can</p> <p>12 do it that way.</p> <p>13 MS. DONNELLY: And I will be instructing</p> <p>14 the witness not to answer questions regarding</p> <p>15 conversations, communications with other legislators.</p> <p>16 THE WITNESS: Yes, ma'am.</p> <p>17 MS. DONNELLY: With that exception, your</p> <p>18 answer will be under seal as we are talking about</p> <p>19 SB 14.</p> <p>20 Is that clear enough?</p> <p>21 MR. ROSENBERG: That works for me.</p> <p>22 Mr. Freeman?</p> <p>23 MR. KEISTER: But I guess my question</p> <p>24 is, does there become a cutoff point where we</p> <p>25 suddenly --</p>	<p style="text-align: right;">20</p> <p>1 will be under seal. Please do not reveal</p> <p>2 communications with other legislature [sic], and then</p> <p>3 we can carry on.</p> <p>4 A. I don't recall.</p> <p>5 Q. (BY MR. ROSENBERG) Are you aware that there</p> <p>6 was a Select Committee on Voter Identification that</p> <p>7 was composed in the House?</p> <p>8 A. I vaguely remember that.</p> <p>9 Q. Were you on the committee?</p> <p>10 A. I -- I do remember that.</p> <p>11 Q. Were you involved in the formation of that</p> <p>12 committee?</p> <p>13 A. No, sir.</p> <p>14 Q. Who was involved in the formation of that</p> <p>15 committee?</p> <p>16 A. I don't know.</p> <p>17 Q. Were you involved in discussions as to the</p> <p>18 composition of that committee?</p> <p>19 A. No.</p> <p>20 Q. Was SB 14 considered an important piece of</p> <p>21 legislation by you?</p> <p>22 A. All my legislation I consider to be</p> <p>23 important.</p> <p>24 Q. So you do not consider SB 14 to be more or</p> <p>25 less important than any other piece of legislation?</p>

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<p style="text-align: right;">21</p> <p>1 A. I think all my legislation is important.</p> <p>2 Q. Are they all of equal importance?</p> <p>3 A. To someone.</p> <p>4 Q. To you?</p> <p>5 MS. DONNELLY: You don't have to change</p> <p>6 your answer just because he keeps asking.</p> <p>7 A. Yeah, they're all equally important.</p> <p>8 Q. (BY MR. ROSENBERG) Was SB 14 given emergency</p> <p>9 legislation treatment?</p> <p>10 A. I think the governor put it on the emergency</p> <p>11 call, but I -- I can't remember for sure. I think he</p> <p>12 did. I think we had some emergency.</p> <p>13 Q. Do you -- I'm sorry, were you finished with</p> <p>14 your answer?</p> <p>15 A. Yeah. I -- you probably know more than I do,</p> <p>16 because I've gone through another session since then.</p> <p>17 Q. I've had a couple years since then, too.</p> <p>18 Do you have an understanding as to why the</p> <p>19 governor declared it an emergency piece of</p> <p>20 legislation?</p> <p>21 A. I don't.</p> <p>22 MR. KEISTER: Object to the form.</p> <p>23 Q. (BY MR. ROSENBERG) Did you consider there to</p> <p>24 be an emergent need for SB 14?</p> <p>25 A. That's not my call.</p>	<p style="text-align: right;">23</p> <p>1 MS. DONNELLY: You can answer.</p> <p>2 A. No.</p> <p>3 Q. (BY MR. ROSENBERG) How about with Speaker</p> <p>4 Straus?</p> <p>5 A. Possibly. I don't remember.</p> <p>6 Q. How about with Senator Fraser?</p> <p>7 A. Probably.</p> <p>8 Q. Do you remember how many conversations you</p> <p>9 had with Senator Fraser about SB 14?</p> <p>10 A. I don't.</p> <p>11 Q. Do you remember the substance of any of the</p> <p>12 conversations that you had with Senator Fraser?</p> <p>13 A. Just about carrying the legislation in the</p> <p>14 House, picking it up.</p> <p>15 Q. Anything beyond that?</p> <p>16 A. I don't remember.</p> <p>17 Q. During the time that you were dealing with --</p> <p>18 or leading up to the enactment of SB 14, were you</p> <p>19 concerned about voter fraud in Texas?</p> <p>20 A. I don't remember.</p> <p>21 Q. Were you concerned about voter fraud dealing</p> <p>22 with absentee ballots in Texas?</p> <p>23 A. I don't recall.</p> <p>24 Q. Were you concerned about in-person voter</p> <p>25 fraud in Texas?</p>
<p style="text-align: right;">22</p> <p>1 Q. Well, whether it's your call or not, did you</p> <p>2 consider it to be an -- there to be an emergent need</p> <p>3 for that legislation?</p> <p>4 A. I don't. I don't get into what's an</p> <p>5 emergency in the state or not.</p> <p>6 Q. Did you have any discussions with anyone in</p> <p>7 the governor's office, including Governor Perry, at</p> <p>8 the time that you were dealing with SB 14?</p> <p>9 A. Not that I remember.</p> <p>10 Q. Did you have any discussions with Lieutenant</p> <p>11 Governor Dewhurst during this time?</p> <p>12 MS. DONNELLY: Don't get into that.</p> <p>13 That's privileged.</p> <p>14 MR. ROSENBERG: The substance of the</p> <p>15 discussion may be privileged, but whether she had a</p> <p>16 discussion is not privileged.</p> <p>17 MS. DONNELLY: Well, but then --</p> <p>18 MR. ROSENBERG: We can't even build,</p> <p>19 then, a foundation for challenging the privilege if we</p> <p>20 don't know whether a discussion occurred or not.</p> <p>21 MS. DONNELLY: Yeah, but that's a</p> <p>22 slippery slope. Did you have a conversation with</p> <p>23 Lieutenant Governor Dewhurst about X?</p> <p>24 MR. ROSENBERG: Well, the X is pretty</p> <p>25 broad. SB 14.</p>	<p style="text-align: right;">24</p> <p>1 A. I would say yes, or I would not have filed</p> <p>2 the legislation.</p> <p>3 Q. Do you recall what the basis was for your</p> <p>4 concern about in-person voter fraud in Texas?</p> <p>5 MS. DONNELLY: We're still under the</p> <p>6 running objection, so feel free.</p> <p>7 MR. ROSENBERG: Understood.</p> <p>8 A. No. I'm sorry.</p> <p>9 Q. (BY MR. ROSENBERG) Were you concerned during</p> <p>10 this time with noncitizens voting in Texas?</p> <p>11 A. No.</p> <p>12 Q. Did you have any discussion with any outside</p> <p>13 groups -- "outside groups" meaning not legislators --</p> <p>14 concerning voter identification during this time?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Do you recall whether you had any discussions</p> <p>17 with people from the King Street Patriots?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you recall whether you had any discussion</p> <p>20 with people from True the Vote?</p> <p>21 A. I don't remember.</p> <p>22 Q. Do you recall if you had any discussions with</p> <p>23 people from the Texas Tea Party, either the women's</p> <p>24 tea party or general tea party, if there's a</p> <p>25 difference?</p>

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<p style="text-align: right;">25</p> <p>1 A. I don't recall.</p> <p>2 Q. Do you recall whether there were discussions</p> <p>3 with constituents during this time concerning voter</p> <p>4 ID?</p> <p>5 A. The time? What time?</p> <p>6 Q. During the time leading up to the enactment</p> <p>7 of SB 14.</p> <p>8 A. After filing the legislation or prior to</p> <p>9 filing it?</p> <p>10 Q. Either prior to or after filing it.</p> <p>11 A. Yes, I'd had constituents come to me in the</p> <p>12 past talking about the integrity of the elections.</p> <p>13 Q. Which constituents?</p> <p>14 A. I can't tell you. I don't remember.</p> <p>15 Q. What -- how many such conversations did you</p> <p>16 have?</p> <p>17 A. I don't remember.</p> <p>18 Q. When did those discussions occur?</p> <p>19 A. I don't remember.</p> <p>20 Q. What was the substance of the conversations?</p> <p>21 A. Typically, at a town hall meeting, talking</p> <p>22 about why don't we have photo identification for</p> <p>23 in-person voting.</p> <p>24 Q. And how many such conversations did you have?</p> <p>25 A. I don't remember.</p>	<p style="text-align: right;">27</p> <p>1 SB -- that you were handling SB 14, believe that there</p> <p>2 would be a very, very small universe of people who</p> <p>3 would not have the identification required by SB 14?</p> <p>4 A. I don't remember what I believed then.</p> <p>5 Q. Sitting here today, do you believe that there</p> <p>6 is a very, very small universe of people who do not</p> <p>7 have the photo ID?</p> <p>8 MS. DONNELLY: Objection. Form.</p> <p>9 A. I believe that in today's environment in</p> <p>10 Texas it's difficult to do anything without a photo</p> <p>11 ID.</p> <p>12 Q. (BY MR. ROSENBERG) So you believe that</p> <p>13 there's a very, very small universe of people who do</p> <p>14 not have --</p> <p>15 A. I don't know.</p> <p>16 Q. Do you recall whether the Brennan Center</p> <p>17 submitted a report to the legislature in connection</p> <p>18 with the consideration of SB 14?</p> <p>19 A. I remember the name, the Brennan Center, but</p> <p>20 I don't remember if there was a report submitted, if</p> <p>21 they testified in committee or why I remember the</p> <p>22 name, but I remember the name.</p> <p>23 Q. Do you recall whether you relied on the</p> <p>24 Brennan Center's report in connection with your views</p> <p>25 on SB 14?</p>
<p style="text-align: right;">26</p> <p>1 Q. More than two?</p> <p>2 A. Probably. I give about five speeches a week</p> <p>3 during the interim.</p> <p>4 Q. At every speech did this come up?</p> <p>5 A. No. Probably not.</p> <p>6 Q. More than five conversations?</p> <p>7 A. It would -- it would be a guess. I don't</p> <p>8 know.</p> <p>9 Q. Do you recall whether you had any input from</p> <p>10 lobbying groups that affected the drafting of SB 14?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Is there anyone in your staff who would know</p> <p>13 the answer better than you?</p> <p>14 A. My staff has a lot of communications I'm not</p> <p>15 aware of, so they may.</p> <p>16 Q. Do you recall testifying that you thought</p> <p>17 that there would be a, quote, "very, very small</p> <p>18 universe," end quote, of people who did not have</p> <p>19 the -- the photo ID required by SB 14?</p> <p>20 MS. DONNELLY: Objection.</p> <p>21 Do you have a document?</p> <p>22 MR. ROSENBERG: I'm just first asking</p> <p>23 her if she recalls.</p> <p>24 A. I don't.</p> <p>25 Q. (BY MR. ROSENBERG) Did you, at the time that</p>	<p style="text-align: right;">28</p> <p>1 A. I don't remember.</p> <p>2 Q. Were you aware that minority legislatures</p> <p>3 [sic] and minority groups spoke out against SB 14?</p> <p>4 MS. DONNELLY: Objection. Form.</p> <p>5 A. I know there was hours of testimony and hours</p> <p>6 of debate on the House floor.</p> <p>7 Q. (BY MR. ROSENBERG) And do you recall that</p> <p>8 African-American legislators and Latino legislators</p> <p>9 spoke out against SB 14?</p> <p>10 MS. DONNELLY: Objection. Form.</p> <p>11 A. I recall hours of debate on the House floor</p> <p>12 with legislative members and colleagues and in</p> <p>13 committee.</p> <p>14 Q. (BY MR. ROSENBERG) And in the course of those</p> <p>15 legislative debates that you remember, do you remember</p> <p>16 that there were several African-American legislators</p> <p>17 and Hispanic legislators that spoke out against SB 14?</p> <p>18 A. The only ones that come to mind that I</p> <p>19 remember -- so I can't say several -- are Marc Veasey</p> <p>20 and Rafael Anchia.</p> <p>21 Q. Do you remember that there were African-</p> <p>22 American groups and Hispanic groups that also spoke</p> <p>23 out against SB 14 before the legislature?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 You can answer.</p>

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<p style="text-align: right;">29</p> <p>1 A. I don't remember.</p> <p>2 Q. (BY MR. ROSENBERG) Are you aware of -- do you</p> <p>3 have a memory of the assertions that were made by</p> <p>4 Senator Veasey and Representative Anchia in connection</p> <p>5 with the possible impact of SB 14 on the ability of</p> <p>6 African-Americans and Hispanics to vote?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you remember whether anyone, in connection</p> <p>9 with the legislature's consideration of SB 14,</p> <p>10 indicated that it would impact adversely African-</p> <p>11 Americans and Hispanics voting?</p> <p>12 MS. DONNELLY: Objection. Form.</p> <p>13 A. I remember there were hours of debate.</p> <p>14 Q. (BY MR. ROSENBERG) I understand you remember</p> <p>15 there were hours of debate.</p> <p>16 A. I don't remember the substance of the debate.</p> <p>17 Q. At any time during your support of SB 14,</p> <p>18 leading up to the passage of SB 14, did you undertake</p> <p>19 an analysis of whether any groups of people would be</p> <p>20 more or less likely to possess the identifications</p> <p>21 that were listed in the bill?</p> <p>22 MS. DONNELLY: Since we're shifting, I</p> <p>23 just want to make sure that the running objection that</p> <p>24 we talked about earlier is still running. Is that</p> <p>25 right?</p>	<p style="text-align: right;">31</p> <p>1 Q. (BY MR. ROSENBERG) Do you recall whether you</p> <p>2 had any information as to how many individuals had or</p> <p>3 did not have the various forms of photo identification</p> <p>4 listed in SB 14?</p> <p>5 A. If I had information?</p> <p>6 Q. Yes.</p> <p>7 A. I know we had testimony in committee about</p> <p>8 what the Secretary of State or one of the agencies</p> <p>9 thought that number may be. But I -- I don't remember</p> <p>10 the specifics of that and which agency that was.</p> <p>11 Q. During the same period of time did you have</p> <p>12 any information as to the racial composition of the</p> <p>13 people who may or may not have the IDs listed in</p> <p>14 SB 14?</p> <p>15 A. I don't recall that.</p> <p>16 Q. During this time did you consider it</p> <p>17 important as to whether racial -- different racial or</p> <p>18 ethnic groups of people were more or less likely to</p> <p>19 possess any of the identifications listed in SB 14?</p> <p>20 A. I think it's important to protect the</p> <p>21 election process for all Texans.</p> <p>22 Q. And -- and did you specifically think it was</p> <p>23 important as to whether or not there would be an</p> <p>24 impact on African-Americans or Hispanics as a result</p> <p>25 of SB 14?</p>
<p style="text-align: right;">30</p> <p>1 MR. ROSENBERG: Understood.</p> <p>2 MS. DONNELLY: Thank you.</p> <p>3 A. One more time?</p> <p>4 Q. (BY MR. ROSENBERG) Sure.</p> <p>5 At any time during the time leading up to the</p> <p>6 enactment of SB 14 did you undertake an analysis of</p> <p>7 whether certain groups of people would be more or less</p> <p>8 likely to possess any of the forms of identification</p> <p>9 listed in SB 14?</p> <p>10 A. I don't remember what we did.</p> <p>11 Q. Do you know if you had any -- do you remember</p> <p>12 whether you had any information as to whether certain</p> <p>13 groups of people would be more or less likely to</p> <p>14 possess certain of the identification of -- listed in</p> <p>15 SB 14?</p> <p>16 A. I don't remember.</p> <p>17 Q. During that same period of time were you</p> <p>18 aware whether any legislator undertook an analysis of</p> <p>19 whether certain groups of people would be more or less</p> <p>20 likely to possess the identification under SB 14?</p> <p>21 MS. DONNELLY: I'm going to inject</p> <p>22 there, that, please do not reveal your knowledge of</p> <p>23 what any other legislator did unless it's in the</p> <p>24 public record.</p> <p>25 A. I do not remember.</p>	<p style="text-align: right;">32</p> <p>1 MS. DONNELLY: Objection. Form.</p> <p>2 A. I -- I don't remember what all we looked at.</p> <p>3 Q. (BY MR. ROSENBERG) Whether or not you</p> <p>4 remember what you looked at, did you think it was</p> <p>5 important?</p> <p>6 A. I know that we were making sure that it was</p> <p>7 protecting the integrity of the election for everyone.</p> <p>8 (Off the record.)</p> <p>9 Q. (BY MR. ROSENBERG) Representative Harless,</p> <p>10 are you aware that during the legislative debates over</p> <p>11 SB 14 opponents of the bill indicated that there would</p> <p>12 be certain burdens on people who did not have the</p> <p>13 forms of identification listed in SB 14 to get those</p> <p>14 identifications?</p> <p>15 A. I remember there were hours of debate. I</p> <p>16 don't remember the content.</p> <p>17 Q. Sitting here, you don't remember that anyone</p> <p>18 said that it would be difficult for people to, for</p> <p>19 example, drive perhaps an hour or more to a motor</p> <p>20 vehicle facility?</p> <p>21 A. I know there were hours of debate. I don't</p> <p>22 remember specifically what the content of the debate</p> <p>23 was.</p> <p>24 Q. Are you aware that during the debate</p> <p>25 opponents of SB 14 asserted that the burden of getting</p>

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<p style="text-align: right;">33</p> <p>1 the forms of identification that are listed in SB 14</p> <p>2 would fall most heavily on African-Americans and</p> <p>3 Hispanics?</p> <p>4 MS. DONNELLY: I'm going to object</p> <p>5 there.</p> <p>6 Please do not discuss any communications</p> <p>7 with other legislators or information you learned from</p> <p>8 other legislators that is not in the public record.</p> <p>9 A. I do not remember.</p> <p>10 Q. (BY MR. ROSENBERG) And you do not remember</p> <p>11 because you're asserting privilege or you just don't</p> <p>12 remember?</p> <p>13 A. I just don't remember. I know you've lived</p> <p>14 this; but when I finish a bill, I finish a bill and I</p> <p>15 move on, and I've had another session with other</p> <p>16 bills, and I have limited memory space.</p> <p>17 Q. Well, that's -- let me -- that actually leads</p> <p>18 me to something else.</p> <p>19 You're aware that SB 14 is now the law?</p> <p>20 A. Yes.</p> <p>21 Q. Have you been following implementation of</p> <p>22 SB 14?</p> <p>23 A. No, sir.</p> <p>24 Q. Do you have an interest in wanting to make</p> <p>25 sure that it's implemented correctly?</p>	<p style="text-align: right;">35</p> <p>1 send it out to all of your constituents?</p> <p>2 A. We sent it out by our e-mail blast of people</p> <p>3 that have signed up, and we do every time there's an</p> <p>4 election.</p> <p>5 Q. So to whom would this -- I guess I'm</p> <p>6 interested in who this -- who's on this database of</p> <p>7 your constituents?</p> <p>8 A. Anyone who's ever called, written, or come to</p> <p>9 my office for any type of assistance since I've been</p> <p>10 elected. Their e-mail addresses, if they have one, is</p> <p>11 collected, and they're added to our e-mail database,</p> <p>12 and we send out information relevant to the district.</p> <p>13 It's nonpartisan. It's state-related business.</p> <p>14 Q. And would that also go to contributors?</p> <p>15 A. No.</p> <p>16 Q. So --</p> <p>17 A. Let me rephrase that.</p> <p>18 There could be contributors that have</p> <p>19 contacted our office that are on the list, but this is</p> <p>20 a constituent-driven list.</p> <p>21 Q. Do you know how many people are on that list?</p> <p>22 A. I don't.</p> <p>23 Q. Does the phrase "legislative purpose" have</p> <p>24 any meaning to you?</p> <p>25 A. No, sir.</p>
<p style="text-align: right;">34</p> <p>1 A. I've noticed they've done the training.</p> <p>2 After I pass the legislation, it's up to the agencies</p> <p>3 to do the implementation. I have no control over</p> <p>4 that.</p> <p>5 Q. Are you aware of any problems with its</p> <p>6 implementation?</p> <p>7 A. Not that I've heard of.</p> <p>8 Q. Have you heard any complaints from any voters</p> <p>9 or constituents as to its implementation?</p> <p>10 A. Not in my district.</p> <p>11 Q. Do you have an understanding as to whether</p> <p>12 its implementation has led to a decrease in voter</p> <p>13 fraud?</p> <p>14 A. I haven't -- I don't know.</p> <p>15 Q. Did you or your staff take any steps to help</p> <p>16 implement SB 14?</p> <p>17 A. I did not.</p> <p>18 MS. DONNELLY: Objection. Form.</p> <p>19 Go ahead.</p> <p>20 A. I did not.</p> <p>21 Q. (BY MR. ROSENBERG) Did you try to get out the</p> <p>22 word as to SB 14?</p> <p>23 A. We sent out e-mails to our constituents about</p> <p>24 the requirements, several of them.</p> <p>25 Q. When you said to your "constituents," did you</p>	<p style="text-align: right;">36</p> <p>1 Q. Does the phrase "legislative intent" have any</p> <p>2 meaning to you?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What's that mean?</p> <p>5 A. It means what the intent of the legislation</p> <p>6 was, what was argued for the intent.</p> <p>7 Q. And when you say "what was argued for the</p> <p>8 intent," what -- what are you referring to?</p> <p>9 A. Or testified in committee on the floor.</p> <p>10 Q. Are you limiting yourself to the public</p> <p>11 record?</p> <p>12 A. Yes.</p> <p>13 Q. Can a legislative intent be based on things</p> <p>14 outside the public record?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you understand what the word</p> <p>17 "discriminatory" means?</p> <p>18 A. Yes.</p> <p>19 Q. What's your understanding?</p> <p>20 A. One person or thing not treated equal to the</p> <p>21 same as another person or thing.</p> <p>22 Q. Can a law have a discriminatory intent even</p> <p>23 if that's not stated on the public record?</p> <p>24 MR. KEISTER: Object to form.</p> <p>25 A. I -- I don't know.</p>

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<p style="text-align: right;">37</p> <p>1 Q. (BY MR. ROSENBERG) Do you think it's</p> <p>2 possible?</p> <p>3 MR. KEISTER: Object to form.</p> <p>4 A. I don't know.</p> <p>5 Q. (BY MR. ROSENBERG) Is it your understanding</p> <p>6 that there's only one intent behind the legislation?</p> <p>7 A. The stated intent.</p> <p>8 Q. Can there be unstated intent?</p> <p>9 MR. KEISTER: Object to form.</p> <p>10 A. I don't know.</p> <p>11 MR. ROSENBERG: Why don't we take a</p> <p>12 break. I think I'm going to go into some documents</p> <p>13 now.</p> <p>14 MS. DONNELLY: Okay. The running</p> <p>15 objection is still running; is that right?</p> <p>16 MR. ROSENBERG: Well, you know what,</p> <p>17 we'll -- sure. But let's see what questions I ask</p> <p>18 when we start again.</p> <p>19 MS. DONNELLY: Okay.</p> <p>20 MR. ROSENBERG: We might decide to --</p> <p>21 MS. DONNELLY: Since the running</p> <p>22 objection was agreed upon, it has, at least to this</p> <p>23 point, been running; is that right?</p> <p>24 MR. ROSENBERG: Right.</p> <p>25 MS. DONNELLY: And when we come back on</p>	<p style="text-align: right;">39</p> <p>1 910. And you see where Representative Anchia asks, "I</p> <p>2 wanted to ask you a couple questions about SB 14 and</p> <p>3 voter impersonation. You alluded to the fact that</p> <p>4 this bill deals with one specific type of voter fraud,</p> <p>5 correct?"</p> <p>6 And the answer that is recorded: "Yes,</p> <p>7 potential voter fraud."</p> <p>8 Do you see that?</p> <p>9 A. Yes, I see it.</p> <p>10 Q. And the colloquy goes on, Anchia says: "And</p> <p>11 that's voter impersonation?"</p> <p>12 You answer "Yes."</p> <p>13 And Anchia says: "And how does -- describe</p> <p>14 how voter impersonation works."</p> <p>15 And you say: "Someone shows up to the poll</p> <p>16 with a voter registration card that may not be theirs</p> <p>17 and passes a vote with that card."</p> <p>18 And he then asks: "How often does that</p> <p>19 happen in the State of Texas, do you think?"</p> <p>20 And you answer: "I'm not advised."</p> <p>21 Do you see that?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And what -- what did you mean by "I'm not</p> <p>24 advised"?</p> <p>25 MS. DONNELLY: I'm going to assert the</p>
<p style="text-align: right;">38</p> <p>1 the record, we can talk about it some more.</p> <p>2 MR. ROSENBERG: Absolutely. No problem.</p> <p>3 MS. DONNELLY: Very good.</p> <p>4 (Break.)</p> <p>5 (Harless Exhibit 163 marked/introduced.)</p> <p>6 Q. (BY MR. ROSENBERG) Representative Harless,</p> <p>7 I'll show you what's been premarked as Exhibit 163.</p> <p>8 And ask you if you can identify this document</p> <p>9 for the record.</p> <p>10 A. It looks like the House Journal from March</p> <p>11 21, 2011.</p> <p>12 Q. And have you ever seen this document before?</p> <p>13 A. Not that I recall. I may have. I don't</p> <p>14 know.</p> <p>15 Q. And do you know, looking at this document,</p> <p>16 what proceedings this document records?</p> <p>17 A. It's the House Journal from March 21st, the</p> <p>18 events that happened on the House floor on the 21st --</p> <p>19 of 2011.</p> <p>20 Q. And looking through this document, as you</p> <p>21 certainly can if you wish, does this document deal</p> <p>22 with legislative consideration of SB 14?</p> <p>23 A. It looks like, on page 910, it's the second</p> <p>24 reading of S -- committee substitute SB 14.</p> <p>25 Q. I'd like to direct your attention to page</p>	<p style="text-align: right;">40</p> <p>1 legislative privilege.</p> <p>2 And subject to that objection, you can</p> <p>3 answer under seal.</p> <p>4 Do you want to continue a running</p> <p>5 objection, Counsel?</p> <p>6 MR. ROSENBERG: Yes.</p> <p>7 MS. DONNELLY: Okay. So we are back on</p> <p>8 a running objection, and the running objection will</p> <p>9 run until the parties agree that it is no longer</p> <p>10 running.</p> <p>11 Is that an agreement with all counsel?</p> <p>12 MR. ROSENBERG: That's the agreement,</p> <p>13 yes.</p> <p>14 MR. FREEMAN: Yes.</p> <p>15 A. I'm not exactly sure what -- what all was</p> <p>16 going on there, but typically, when I say I'm not</p> <p>17 advised, meaning nobody has come up to me and given me</p> <p>18 all that information.</p> <p>19 Q. (BY MR. ROSENBERG) Was it a surprise to you</p> <p>20 that this question would be asked in consideration of</p> <p>21 SB 14?</p> <p>22 A. I -- I don't know.</p> <p>23 Q. Did you try to gather this information as --</p> <p>24 as to -- any information as to this issue after this</p> <p>25 debate?</p>

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<p style="text-align: right;">41</p> <p>1 A. I don't know.</p> <p>2 Q. Further down in that page, Representative</p> <p>3 Anchia says: "Did they" -- and you can read the whole</p> <p>4 paragraphs that precede that so you know what the</p> <p>5 "they" refers to.</p> <p>6 But his question is: "Did they provide any</p> <p>7 documented cases, or was it anecdotal?"</p> <p>8 And your answer is: "There was information</p> <p>9 from the secretary of state, but really, we don't have</p> <p>10 the tools to effectively deter or detect this type of</p> <p>11 voter fraud."</p> <p>12 Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you recall having said that, by the way?</p> <p>15 A. No, sir.</p> <p>16 Q. Do you know what information you're referring</p> <p>17 to when you say there was information from the</p> <p>18 Secretary of State?</p> <p>19 A. No, sir.</p> <p>20 MS. DONNELLY: Would you like to read</p> <p>21 through the --</p> <p>22 Q. (BY MR. ROSENBERG) And again, you can read</p> <p>23 whatever you want to read.</p> <p>24 MS. DONNELLY: The document you've been</p> <p>25 handed, do you feel like you need to read this?</p>	<p style="text-align: right;">43</p> <p>1 A. Yes, sir.</p> <p>2 Q. Do you recall having said that?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you recall what states you're referring to</p> <p>5 when you say there's been documented evidence in the</p> <p>6 two states that have passed this?</p> <p>7 A. Georgia, Indiana, maybe. I don't know.</p> <p>8 Q. Do you recall what the nature of the</p> <p>9 documented evidence was relating to Georgia and</p> <p>10 Indiana?</p> <p>11 A. I know that -- well, I think I recall that</p> <p>12 prior to Texas passing photo voter ID, Indiana had</p> <p>13 passed it, and it had gone to the Supreme Court and</p> <p>14 been upheld, and Georgia had passed it, and it had</p> <p>15 been precleared. I think those are the two states</p> <p>16 that had passed voter photo ID prior to Texas being</p> <p>17 passed.</p> <p>18 Q. And my question is: Do you have a memory of</p> <p>19 what the documented evidence was that you're referring</p> <p>20 to in this paragraph?</p> <p>21 A. I don't.</p> <p>22 Q. Turning your attention to page 914, upper</p> <p>23 right-hand corner, Representative Anchia says: "Why</p> <p>24 does it" -- referring to the bill -- "ignore mail-in</p> <p>25 ballots?"</p>
<p style="text-align: right;">42</p> <p>1 Because if you do, take your time to do so.</p> <p>2 THE WITNESS: Well, read it to -- to --</p> <p>3 to refresh my memory or --</p> <p>4 MS. DONNELLY: I'm just saying, if</p> <p>5 you're asked a question and you feel like you need to</p> <p>6 read the whole thing, take the time to do it. You're</p> <p>7 not prohibited from doing it.</p> <p>8 THE WITNESS: Yeah. Okay.</p> <p>9 Q. (BY MR. ROSENBERG) Okay. And I guess I -- I</p> <p>10 don't remember if you answered my last question.</p> <p>11 A. I don't know either. What's your last</p> <p>12 question?</p> <p>13 MS. DONNELLY: She did.</p> <p>14 Q. (BY MR. ROSENBERG) I think you did also.</p> <p>15 Turning to page 912, the upper right-hand</p> <p>16 corner, you're quoted as saying: "But when elections</p> <p>17 are won or lost on two votes, we need to put every</p> <p>18 check and balance we can to restore the public's</p> <p>19 confidence, and not only does it restore the public's</p> <p>20 confidence in the election, there's been documented</p> <p>21 evidence in the two states that have passed this more</p> <p>22 restrictive photo ID that voter turnout increases.</p> <p>23 When people have confidence that their vote counts,</p> <p>24 they are more apt to show up and vote."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">44</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And you answered: "This bill is only</p> <p>4 interested in one type of potential fraud, in-person</p> <p>5 voter fraud."</p> <p>6 Do you see that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And my question is: Why was not absentee</p> <p>9 ballots dealt with in SB 14?</p> <p>10 A. I think SB 14 was about in-person voting.</p> <p>11 Q. And why did you not think that it was</p> <p>12 important to address absentee ballots at the same</p> <p>13 time?</p> <p>14 MS. DONNELLY: Objection. Form.</p> <p>15 A. I don't know that that was a true statement.</p> <p>16 I think there was other legislation that was proposed</p> <p>17 at the time about absentee ballot and stuff like that.</p> <p>18 I'm -- I'm not for sure. This was about in-person</p> <p>19 voting.</p> <p>20 Q. (BY MR. ROSENBERG) Do you have an</p> <p>21 understanding -- do you have an understanding, sitting</p> <p>22 here today, as to the extent of in-person voter fraud</p> <p>23 at the time SB 14 was enacted?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 Go ahead.</p>

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<p style="text-align: right;">45</p> <p>1 A. Say that one more time.</p> <p>2 Q. (BY MR. ROSENBERG) Sure.</p> <p>3 Sitting here today, do you have an</p> <p>4 understanding as to the extent of in-person voter</p> <p>5 fraud in Texas at the time SB 14 was enacted?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you have an understanding as to whether or</p> <p>8 not it was more or less of a problem than absentee</p> <p>9 ballot fraud?</p> <p>10 MS. DONNELLY: Objection. Form.</p> <p>11 Go ahead.</p> <p>12 A. I don't recall.</p> <p>13 Q. (BY MR. ROSENBERG) Turning your attention to</p> <p>14 page 915, Representative Anchia -- there's a -- the</p> <p>15 first large paragraph, the one that begins: "Here's</p> <p>16 the quandary for this body."</p> <p>17 Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the last sentence says: "How much money</p> <p>20 is in the bill for informing Texans about the change</p> <p>21 in the law?"</p> <p>22 And you answered: "The fiscal note on the</p> <p>23 bill is \$2,024,000"?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Do you know whether or not that money has</p>	<p style="text-align: right;">47</p> <p>1 ANSWER: "From all the testimony that</p> <p>2 we've had in committee, there was no possible way to</p> <p>3 determine that."</p> <p>4 Do you see that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. (BY MR. ROSENBERG) And then further down,</p> <p>7 Representative Anchia says: "But, are you aware of</p> <p>8 any studies? Above and beyond the testimony?"</p> <p>9 You can read what's in between that.</p> <p>10 MS. DONNELLY: Yeah, take your time to</p> <p>11 read between.</p> <p>12 A. Okay.</p> <p>13 Q. (BY MR. ROSENBERG) And in response to</p> <p>14 Representative Anchia's question: "But, are you aware</p> <p>15 of any studies? Above and beyond the testimony?" You</p> <p>16 say: "No. Not advised."</p> <p>17 Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Is -- can you tell me what you meant by "No.</p> <p>20 Not advised".</p> <p>21 A. No.</p> <p>22 Q. Is it your understanding that there were no</p> <p>23 studies available to determine the number of</p> <p>24 minorities that lack required photo identification?</p> <p>25 A. I don't remember that.</p>
<p style="text-align: right;">46</p> <p>1 been spent?</p> <p>2 A. I don't.</p> <p>3 Q. Do you know whether there was any legislative</p> <p>4 oversight over the spending of that money?</p> <p>5 A. I don't.</p> <p>6 Q. Next page, on page 916, towards the middle,</p> <p>7 you're quoted as saying: "It" -- and again, we're</p> <p>8 talking about the bill -- "It will increase turnout of</p> <p>9 all voters and education of all voters."</p> <p>10 Do you see that? It's just about -- a little</p> <p>11 below the halfway mark.</p> <p>12 A. Yes.</p> <p>13 Q. You can read the whole page if you want.</p> <p>14 A. Yes.</p> <p>15 Q. What is it -- do you have an understanding as</p> <p>16 to your basis for stating "It will increase turnout of</p> <p>17 all voters"?</p> <p>18 A. I don't.</p> <p>19 Q. Turning your attention to page 918. And</p> <p>20 first, Representative Anchia, just above the middle</p> <p>21 half of the page, he says: "Have you" -- "I know</p> <p>22 you've done a lot of work on this bill, a lot of</p> <p>23 research. What academic studies have you run across</p> <p>24 to determine the number of minorities that lack</p> <p>25 required photo identification?"</p>	<p style="text-align: right;">48</p> <p>1 Q. Did you rely on any public opinion polls in</p> <p>2 connection with your support of SB 14?</p> <p>3 MS. DONNELLY: Since we're shifting</p> <p>4 gears, I'm going to just make sure our running</p> <p>5 objection is still running.</p> <p>6 MR. ROSENBERG: It is. It's still</p> <p>7 running.</p> <p>8 MS. DONNELLY: As to all counsel.</p> <p>9 A. I don't recall.</p> <p>10 (Harless Exhibit 164 marked/introduced.)</p> <p>11 Q. (BY MR. ROSENBERG) I'd like to show you a</p> <p>12 package of documents that we've marked as Exhibit 164.</p> <p>13 MS. DONNELLY: Counsel, 164 are</p> <p>14 documents produced by Representative Harless's office;</p> <p>15 is that correct?</p> <p>16 MR. ROSENBERG: That's correct. And</p> <p>17 these are, just for the record, marked "Confidential,"</p> <p>18 not "Highly Confidential," so this part of the</p> <p>19 transcript should be -- in addition to the highly</p> <p>20 confidential treatment of Representative Harless's</p> <p>21 testimony about the documents, these documents</p> <p>22 themselves are "Confidential" and not Highly</p> <p>23 Confidential. I'm not sure exactly how that's going</p> <p>24 to work, but just for the record.</p> <p>25 A. Well, I think they're confidential on this,</p>

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<p style="text-align: right;">49</p> <p>1 because they're considered -- this is constituent 2 personal information that's not supposed to be 3 released to the public. 4 Q. (BY MR. ROSENBERG) Right. And just for the 5 record, there's a protective order in place in this 6 case that has different levels of confidentiality. 7 There's a confidential level and there's a highly 8 confidential level -- 9 A. Okay. 10 Q. -- which is actually higher than 11 confidential. And these have been designated by the 12 attorney general on your behalf as confidential and 13 not highly confidential. 14 A. Okay. 15 Q. And they'll be treated as confidential -- 16 A. Okay. 17 Q. -- in accordance with -- 18 MS. DONNELLY: They won't go out in 19 public. 20 MR. KEISTER: But these were produced 21 pursuant to the Court's order with respect to 22 legislative documents. 23 MR. ROSENBERG: That's correct. 24 MR. KEISTER: So these need to be -- 25 MR. ROSENBERG: Treated as confidential.</p>	<p style="text-align: right;">51</p> <p>1 MR. KEISTER: But with respect to the 2 Court's order on legislatively produced documents. 3 And I'm not saying that I understand it. That's why I 4 tried to make sure. 5 MR. ROSENBERG: I actually think that 6 these were produced specifically as "Confidential" and 7 not "Highly Confidential," but I'm certainly willing 8 to -- until we can clear this up afterwards, so 9 there's no mistaking, you can -- we will not -- 10 MR. KEISTER: Continue to have these 11 under seal -- 12 MR. ROSENBERG: Sure. 13 MR. KEISTER: -- just like all the other 14 documents. Okay. 15 MS. DONNELLY: Right. And with all 16 that, the running objection is still running, as I 17 understand it, with respect to -- 18 MR. ROSENBERG: Yeah, the testimony, I 19 understand, is highly confidential. 20 MS. DONNELLY: -- under Exhibit 164, 21 that objection is still running as to -- 22 Q. (BY MR. ROSENBERG) Have you seen these 23 documents before? 24 A. Not to my knowledge. 25 Q. Okay. Some of them are signed by you, but I</p>
<p style="text-align: right;">50</p> <p>1 MR. KEISTER: -- treated as sealed. 2 MR. ROSENBERG: Well, quite frankly, 3 sitting here today, I don't recall how "Confidential" 4 documents are treated as opposed to "Highly 5 Confidential" documents, but they'll be treated in 6 accordance with the protective order. 7 MR. KEISTER: Yes. Or for the purposes 8 of this exercise, why don't we treat these as they're 9 covered by the Court's order with respect to -- I'm 10 assuming these were produced pursuant to the Court's 11 order with respect to the assertion of legislative 12 privilege, so why don't we treat these -- or not treat 13 them, they are -- treat these as being legislative 14 privileged documents and have them sealed along with 15 the testimony. Maybe that's what you're saying. 16 MR. ROSENBERG: No, it's not quite what 17 I'm saying. 18 MR. KEISTER: Okay. 19 MR. ROSENBERG: Mainly because I think 20 that communications with constituents are actually not 21 treated as being at the same level of legislative 22 privilege as other communications, but the -- the 23 protective order is going to speak for itself -- 24 MR. KEISTER: Yeah. 25 MR. ROSENBERG: -- and covers that.</p>	<p style="text-align: right;">52</p> <p>1 assume that they might have been written by your 2 staff; is that -- or at least, they indicate -- an 3 indicated signature line for you? 4 MS. DONNELLY: Well, there's a number of 5 pages here. There's roughly 50-some-odd pages, and I 6 don't think the witness has had an opportunity to 7 review every one of them. 8 MR. ROSENBERG: Well, I'm only going to 9 ask about a couple of them. 10 A. Okay. 11 Q. (BY MR. ROSENBERG) Looking at the second 12 page, have you ever seen this document before? 13 A. I don't know. 14 Q. Can you identify it? 15 A. It looks like a letter to a constituent, 16 maybe an e-mail. 17 Q. And from your e-mail? 18 A. From -- from the State e-mail. 19 Q. Are you -- do people other than yourself -- 20 well, first of all, do you have access to this State 21 e-mail? 22 A. I do. 23 Q. Does anyone other than yourself have access 24 to your -- 25 A. All my staff.</p>

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<p style="text-align: right;">53</p> <p>1 Q. Let me just finish the question.</p> <p>2 A. Sorry.</p> <p>3 Q. -- to your e-mail account?</p> <p>4 A. Yes.</p> <p>5 Q. All your staff?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And so you can't tell, looking at this, or</p> <p>8 have no memory as to whether you actually wrote this</p> <p>9 or a staff member wrote this; is that fair?</p> <p>10 A. That's fair.</p> <p>11 Q. Looking at the second paragraph in the</p> <p>12 middle, it's written -- you may review this --</p> <p>13 referring to "70 percent of Texans believe that there</p> <p>14 should be some form of identification for voting. You</p> <p>15 may review this University of Texas poll by logging</p> <p>16 onto" -- and you give a website.</p> <p>17 Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Or it's given as a website.</p> <p>20 Do you recall that poll?</p> <p>21 A. Do I?</p> <p>22 Q. Do you.</p> <p>23 A. Do I recall what?</p> <p>24 Q. That poll that you refer to.</p> <p>25 A. No.</p>	<p style="text-align: right;">55</p> <p>1 A. I don't.</p> <p>2 Q. Looking at the second paragraph, it's</p> <p>3 written: "I'm not sure of the number nation wide</p> <p>4 [sic]. In Texas during the May 29th primary, we had</p> <p>5 239 dead people vote with 213 of those dead people</p> <p>6 voting in person."</p> <p>7 Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you recall having written that?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you recall that subject matter of 239 dead</p> <p>12 people voting with 213 of those voting in person?</p> <p>13 A. No, sir.</p> <p>14 Q. Do you have any idea where that information</p> <p>15 came from?</p> <p>16 A. No, sir. I don't remember.</p> <p>17 Q. Looking at page LEG 753.</p> <p>18 First, I ask you whether you've seen this</p> <p>19 document before?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you know who Linda Simcox is?</p> <p>22 A. Not that I know of.</p> <p>23 Q. Looking at the second paragraph, "My staff</p> <p>24 contacted the Harris County Clerk's office to look</p> <p>25 into this issue. According to the County Clerk's</p>
<p style="text-align: right;">54</p> <p>1 Q. When it's written that there should be some</p> <p>2 form of identification for voting, it's not being</p> <p>3 suggested here that the specific forms of</p> <p>4 identification set forth in SB 14 were endorsed by</p> <p>5 70 percent of Texans, is it?</p> <p>6 MS. DONNELLY: Objection. Form.</p> <p>7 You can answer.</p> <p>8 A. I don't know what the poll is or what it was</p> <p>9 talking about.</p> <p>10 Q. (BY MR. ROSENBERG) Are you aware of any poll</p> <p>11 where the specific forms of identification set forth</p> <p>12 in SB 14 were the subject of the poll?</p> <p>13 A. I don't recall.</p> <p>14 Q. Turning your attention to LEG 746. You'll</p> <p>15 see there's a Bates stamp on the lower right-hand</p> <p>16 corner. And I'll ask you to review that. And it is</p> <p>17 more than a one-page document. If you want to review</p> <p>18 the rest, you're welcome to. But I'm only going to</p> <p>19 ask you a question about the second paragraph.</p> <p>20 A. The second paragraph?</p> <p>21 Q. Yeah. But first I want to ask you whether</p> <p>22 you've ever seen this document before?</p> <p>23 A. I'm sure I probably have, but I don't</p> <p>24 remember specifically.</p> <p>25 Q. Do you know who Duncan Parish is?</p>	<p style="text-align: right;">56</p> <p>1 office, they have received no complaints or had any</p> <p>2 problems implementing the Voter ID law. Their poll</p> <p>3 workers have been trained to check for name</p> <p>4 similarities."</p> <p>5 Do you see that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Do you recall this issue?</p> <p>8 A. No, sir.</p> <p>9 Q. Do you know who in your staff contacted the</p> <p>10 Harris County Clerk's Office?</p> <p>11 A. No, sir.</p> <p>12 Q. Do you know the basis for your statement that</p> <p>13 "Their poll workers have been trained to check for</p> <p>14 name similarities"?</p> <p>15 A. No, sir.</p> <p>16 Q. Do you know what's meant by the sentence</p> <p>17 "Their poll workers have been trained to check for</p> <p>18 name similarities"?</p> <p>19 A. No, sir.</p> <p>20 (Harless Exhibit 165 marked/introduced.)</p> <p>21 Q. (BY MR. ROSENBERG) I'd like to show you</p> <p>22 what's been marked as Exhibit 165.</p> <p>23 And ask you if you can tell me what this is.</p> <p>24 A. No.</p> <p>25 MS. DONNELLY: Since we've shifted to a</p>

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15 (Pages 57 to 60)

<p style="text-align: right;">57</p> <p>1 new document, I do want to make clear that the running 2 objection is still running; is that correct, Counsel? 3 MR. ROSENBERG: That's correct. And 4 this document is a "Highly Confidential" document and 5 will be treated as such. 6 MS. DONNELLY: Under the Court's order. 7 Thank you. 8 MR. ROSENBERG: Yes. 9 A. Do I know what it is? 10 Q. (BY MR. ROSENBERG) Yes. 11 A. No. 12 Q. It's -- the first two words on it are "OTB 13 Resolution." In New York, that's off-track betting. 14 I don't think that's what it is. 15 Can you tell me what it is. 16 A. I would assume that OTB resolution, out of 17 bounds, out of the bounds. 18 Q. Out of the bounds? 19 A. Out-of-the-bounds resolution, maybe. 20 Q. And what is an out-of-the-bounds resolution? 21 A. Sometimes after conference -- when a bill 22 goes to conference committee, where there's 23 differences between the Senate and the House, you -- 24 if you think that there's something that goes out of 25 the bounds of the original purpose of that part of the</p>	<p style="text-align: right;">59</p> <p>1 Q. Can you tell me what you meant by that. 2 A. No. I don't -- I don't recall. 3 Q. By the way, was it your expectation that DPS 4 would be administering SB 14? 5 MS. DONNELLY: Objection. Form. 6 Go ahead. 7 A. I -- I don't recall. 8 Q. (BY MR. ROSENBERG) Was it your expectation 9 that DPS would have any discretion as to the forms of 10 identification that would be accepted by DPS for 11 purposes of issuing a driver's license? 12 A. I don't know. 13 Q. Would it bother you if DPS had discretion to 14 decide whether or not a person should have a driver's 15 license which would be accepted as identification for 16 SB 14? 17 A. I don't know what the duties of DPS are. 18 Q. Turning your attention to page 6962, that's 19 TX 6962, which is about the fourth page. 20 A. Okay. 21 Q. Under "Notable Provision Kept/Modified," do 22 you see that? 23 A. Yes, sir. 24 Q. There's a discussion about an exemption for 25 natural disasters.</p>
<p style="text-align: right;">58</p> <p>1 section of the bill or the intent of that part of the 2 section of the bill, then you should do an out-of- 3 bounds resolution. If there's something other, that 4 was added to the bill or taken away, that wasn't part 5 of the original bill. 6 Q. And do you recall there being an out-of-the- 7 bounds resolution in connection with SB 14? 8 A. Not until I saw this. 9 Q. Have you ever seen this document before? 10 A. I probably have. It looks like it was maybe 11 my comments or -- or the -- I probably have. 12 Q. Who -- can you identify the handwriting 13 or -- 14 A. That's my handwriting. It's terrible. 15 Q. And looking throughout the document, is 16 that -- wherever there's handwriting, is that your 17 handwriting? 18 A. Yes. On one, two, three, four -- on the 19 first five pages, the writing is mine. 20 Q. And looking at the first page where it said 21 "a D" -- it says: "DPS my understanding & Expectation 22 that DPS" -- I guess that means "will" -- "wl put a 23 photo on Election ID certificate." 24 Is that a fair reading of that? 25 A. I guess.</p>	<p style="text-align: right;">60</p> <p>1 Do you see that? 2 A. Yes, sir. 3 Q. And then it says, the second bullet point: 4 "Why kept in? The potential to impact a large number 5 of voters." 6 Do you see that? 7 A. Yes, sir. 8 Q. Do you have an understanding as to what's 9 meant by that? 10 A. No, sir. 11 MS. DONNELLY: Objection. Form. 12 Q. (BY MR. ROSENBERG) Turn to the next page, 13 6963. There's a question in bold: "Isn't bill now 14 more restrictive than Indiana's or Georgia law?" 15 Do you see that? 16 A. Yes. 17 Q. Do you have an understanding as to whether 18 SB 14 was more restrictive than Indiana's or Georgia's 19 law? 20 A. I don't recall. 21 Q. Now, looking at the answer to the question -- 22 well, strike that. 23 This says: "General Q & A." 24 Do you see that? 25 A. Yes, sir.</p>

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16 (Pages 61 to 64)

<p style="text-align: right;">61</p> <p>1 Q. Was it your understanding that -- is it your 2 understanding that this document sets forth questions 3 that were expected to be asked on the floor and 4 suggested answers? 5 A. I don't know. 6 Q. Is that a process that you typically do? 7 A. What do you mean? 8 Q. Meaning, when you -- first of all, is this 9 the only bill you've ever been the sponsor of? 10 A. No. 11 Q. When you're a sponsor of the bill, do you 12 anticipate, in legislative debates, that there will be 13 certain questions asked from the floor and you 14 anticipate what the answers might be? 15 A. This is -- this specifically is an out-of- 16 bounds resolution. This is my only out-of-bounds 17 resolution that I've done in four sessions. And after 18 you get to this point, typically you've debated the 19 bill at least three times; in committee, on the floor, 20 and then back on the floor for -- so I don't know if 21 that has to do with, because these are questions that 22 had been asked before. I don't -- I don't know 23 what -- you know, I don't know that I -- I do that all 24 the time. 25 Q. Do you have an understanding what the purpose</p>	<p style="text-align: right;">63</p> <p>1 Q. Do you recall any differences between Indiana 2 and Georgia's law on the one hand and SB 14 on the 3 other? 4 A. No. 5 Q. Do you recall whether Georgia allowed expired 6 driver's licenses, for example? 7 A. No. 8 Q. Do you know whether SB 14 allowed expired 9 driver's licenses? 10 A. From reading the bill last night, I think we 11 allowed ID -- expired no longer than 60 days. 12 (Harless Exhibit 166 marked/introduced.) 13 Q. (BY MR. ROSENBERG) I'd like to show you 14 what's been marked as 166. 15 MS. DONNELLY: This is also "Highly 16 Confidential," Counsel? 17 MR. ROSENBERG: It is also "Highly 18 Confidential," and I will accept your continuing 19 assertion of privilege under seal. 20 MS. DONNELLY: Thank you. 21 Q. (BY MR. ROSENBERG) Can you tell me what this 22 document is. 23 A. No. 24 Q. Do you recall if you've ever seen it before? 25 A. It looks vaguely familiar.</p>
<p style="text-align: right;">62</p> <p>1 of this document was? 2 A. This was to explain the out-of-bounds 3 resolution. I... 4 Q. Was this to give you guidance on the floor? 5 A. Yes. 6 Q. Turning your attention back to page 6963, 7 does the paragraphs that follow the question -- do the 8 paragraphs that follow the question answer the 9 question whether the bill is more restrictive than 10 Indiana's or Georgia's? 11 MS. DONNELLY: Take your time to read it 12 if you need to. 13 A. Seems to. 14 Q. (BY MR. ROSENBERG) How? 15 A. That it's constitutional, and Indiana and 16 Georgia's laws were constitutional. I don't think any 17 legislation is the same as the next. I think there's 18 all different... 19 Q. Well, would you agree that if, for example, 20 you have two pieces of legislation that were identical 21 in terms of the photo identification that was required 22 in each, except that one had an additional category 23 that was allowed, would you agree that one was more 24 restrictive than the other in terms of documentation? 25 A. I -- I don't know.</p>	<p style="text-align: right;">64</p> <p>1 Q. Do you know if you wrote it? 2 A. It's typed; and, no, I don't know if I did. 3 Q. Turning your attention to page 7026 -- and 4 just for the record -- actually, if you would please 5 go back to 7025, and if you see -- what number does it 6 say on that page, above the Bates stamp? Does it say 7 number 3? 8 A. Yes, sir. 9 Q. And if you go to page 7026, do you see what 10 page number is on that? 11 A. 5. 12 Q. Right. 13 Do you know where page 4 is of this document? 14 A. I don't. 15 Q. And similarly, if you look at 7027 and go to 16 7028, that goes from page 6 to 8, right? 17 A. Yes, sir. 18 Q. Do you know where page 7 is of this document? 19 A. It was page 27023. It looks like they're out 20 of page order. 21 Q. They're out of order. Okay. Good. I don't 22 know if we can find page 4. 23 Okay. Let's turn back. 24 On page 7026, which is page 5, is that 25 handwriting yours?</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 A. Yes.</p> <p>2 Q. You do have bad handwriting.</p> <p>3 A. I know I do. My son says I'm really smart,</p> <p>4 though.</p> <p>5 Q. The bottom paragraph: "How to get a voter ID</p> <p>6 if you live a long distance to drive to get a TDL?"</p> <p>7 And TDL, do you know what that refers to?</p> <p>8 A. Texas driver's license.</p> <p>9 Q. Right.</p> <p>10 And "15 million TDL 750,000 ID's. Very small</p> <p>11 number..."</p> <p>12 Do you know what is meant by "very small</p> <p>13 number"?</p> <p>14 A. No, sir.</p> <p>15 Q. Turning your attention to the next page,</p> <p>16 7027, where it says: "-- plaintiffs have been unable</p> <p>17 to produce a single individual who either did not have</p> <p>18 an ID or could not easily find one."</p> <p>19 Do you know what is meant by that?</p> <p>20 A. Where is that?</p> <p>21 Q. I'm sorry, it's under the second paragraph,</p> <p>22 "Isn't this bill unconstitutional?"</p> <p>23 A. Okay.</p> <p>24 Q. "More restrictive than Indiana's Law"?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">67</p> <p>1 marked as Exhibit 167 and ask you if you can identify</p> <p>2 Exhibit 167 for the record.</p> <p>3 A. House Journal for Wednesday, March 23, 2011.</p> <p>4 Q. And have you ever seen this document?</p> <p>5 A. Not that I know of.</p> <p>6 Q. And feel free to look through it.</p> <p>7 And could you tell me, after looking through</p> <p>8 it, whether it refreshes your recollection as to</p> <p>9 whether you've seen this document.</p> <p>10 A. I -- no.</p> <p>11 Q. Looking through it, does this document</p> <p>12 reflect proceedings on the House floor concerning</p> <p>13 SB 14?</p> <p>14 MS. DONNELLY: Can you point her to it?</p> <p>15 MR. ROSENBERG: Excuse me?</p> <p>16 MS. DONNELLY: Can you point her to it?</p> <p>17 MR. ROSENBERG: The whole document,</p> <p>18 actually, from page -- after those initial resolutions</p> <p>19 to -- from page 952 forward, I believe. It's even</p> <p>20 before that.</p> <p>21 A. Yes. It starts on page 951, SB 14, committee</p> <p>22 substitute SB 14 on second reading.</p> <p>23 Q. (BY MR. ROSENBERG) And were these the</p> <p>24 proceedings where amendments were offered to SB 14?</p> <p>25 A. This is the House Journal of the proceedings</p>
<p style="text-align: right;">66</p> <p>1 Q. And you don't know the basis for that</p> <p>2 statement, then?</p> <p>3 A. No, sir.</p> <p>4 Q. Turning your attention to 7037, can you tell</p> <p>5 me what that is.</p> <p>6 A. It's a floor amendment by Bonnen.</p> <p>7 Q. And do you know -- do you recall this floor</p> <p>8 amendment?</p> <p>9 A. I don't.</p> <p>10 Q. Looking at it, is it -- is it accurate to say</p> <p>11 that this was the amendment that deleted the exemption</p> <p>12 from the requirements of SB 14 for persons 70 years of</p> <p>13 age or older?</p> <p>14 A. I would need to see it in context with</p> <p>15 this --</p> <p>16 Q. Do you recall there being a provision in the</p> <p>17 bill at some time that exempted persons who are 70</p> <p>18 years of age or older from the requirements of having</p> <p>19 to show a photo ID in order to vote in person?</p> <p>20 A. I don't remember.</p> <p>21 Q. And I assume, then, you don't remember there</p> <p>22 being an amendment that deleted that from the bill?</p> <p>23 A. I don't.</p> <p>24 (Harless Exhibit 167 marked/introduced.)</p> <p>25 Q. (BY MR. ROSENBERG) I'd like to have this</p>	<p style="text-align: right;">68</p> <p>1 of the floor on March 23rd. I'm not sure. But I</p> <p>2 guess this was when I laid out the bill, I guess.</p> <p>3 Q. Turning your attention to page 966, and 967.</p> <p>4 And we're dealing with Amendment No. 11. And if you</p> <p>5 could read that to yourself.</p> <p>6 A. 966?</p> <p>7 Q. Yeah. At the bottom, it says: "Amendment</p> <p>8 No. 11." It begins: "Representative Veasey offered</p> <p>9 the following amendment..."</p> <p>10 A. Okay.</p> <p>11 Q. Do you recall this amendment being offered?</p> <p>12 A. No, sir.</p> <p>13 Q. Do you see where it says: "Representative</p> <p>14 Harless moved to table Amendment No. 11"?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And Amendment No. 11 dealt with the execution</p> <p>17 of "-- an affidavit under penalty of perjury stating</p> <p>18 that the voter is the same person named on the list of</p> <p>19 registered voters --"; is that correct?</p> <p>20 A. That's what it says.</p> <p>21 Q. Do you recall why you moved to table</p> <p>22 Amendment No. 11?</p> <p>23 MS. DONNELLY: And once again, we're</p> <p>24 still under the running objection?</p> <p>25 MR. ROSENBERG: Yes.</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 A. No, sir.</p> <p>2 Q. (BY MR. ROSENBERG) Sitting here today, do you</p> <p>3 have an understanding as to why?</p> <p>4 A. No, sir.</p> <p>5 Q. Turning your attention to page 969, Amendment</p> <p>6 No. 15, offered by Representative Martinez, which</p> <p>7 stated that: "Notwithstanding any other law, an</p> <p>8 agency, institution, or political subdivision of this</p> <p>9 state may not charge any fee for the issuance of any</p> <p>10 document that may be used: As proof of identification</p> <p>11 under this chapter; or to obtain a document that may</p> <p>12 be used as proof of identification under this</p> <p>13 chapter."</p> <p>14 Do you see that?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And it says that Representative Harless moved</p> <p>17 to table Amendment No. 15.</p> <p>18 Do you see that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you recall why you moved to table</p> <p>21 Amendment No. 15?</p> <p>22 A. No, sir.</p> <p>23 Q. Do you -- sitting here today, do you oppose</p> <p>24 Amendment No. 15?</p> <p>25 A. I don't know what it means.</p>	<p style="text-align: right;">71</p> <p>1 A. No, sir.</p> <p>2 Q. Amendment No. 17, on page 974, wanted to</p> <p>3 insert a temporary driving permit issued to the person</p> <p>4 by DPS.</p> <p>5 Do you see that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And then it says that you moved to table</p> <p>8 Amendment No. 17.</p> <p>9 Do you see that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you recall why you moved to table it?</p> <p>12 A. No, sir.</p> <p>13 Q. Sitting here today, do you understand what</p> <p>14 Amendment No. 17 purported to do?</p> <p>15 A. No, sir.</p> <p>16 Q. If I were to suggest that Amendment No. 17</p> <p>17 purported to include, as an additional form of ID, a</p> <p>18 temporary driving permit issued to the person by the</p> <p>19 DPS, would that make sense to you?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And sitting here today, do you oppose that?</p> <p>22 MS. DONNELLY: Objection to form.</p> <p>23 A. I don't -- I don't know what a temporary</p> <p>24 driving permit issued by the DPS looks like, if it has</p> <p>25 a photo on it.</p>
<p style="text-align: right;">70</p> <p>1 Q. Moving to page 970, Amendment No. 16 offered</p> <p>2 by Representative Raymond, which wanted to insert the</p> <p>3 following -- I'll read it in part, just for the</p> <p>4 record -- presents a paycheck or copy of another</p> <p>5 official employment document that includes the</p> <p>6 information of the voter's employer and informs the</p> <p>7 election officer that: The voter's employer does not</p> <p>8 permit the voter to be absent from work for the</p> <p>9 purpose of obtaining photo ID; and offices of the DPS</p> <p>10 are not open for at least two consecutive hours</p> <p>11 outside of the voter's working hours.</p> <p>12 Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And if you turn to page 974, Representative</p> <p>15 V. Taylor -- is that Van Taylor?</p> <p>16 A. I guess, yeah.</p> <p>17 Q. -- moved to table Amendment No. 16, and you</p> <p>18 voted in favor of tabling it.</p> <p>19 Do you see that? Under the "yeas."</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall why you voted in favor of</p> <p>22 tabling the amendment?</p> <p>23 A. No, sir.</p> <p>24 Q. Do you have an understanding, today, of what</p> <p>25 that amendment would do?</p>	<p style="text-align: right;">72</p> <p>1 Q. (BY MR. ROSENBERG) Turning to page 975,</p> <p>2 Amendment No. 18, Representative Dutton offered an</p> <p>3 amendment to include -- to add Subdivision 25 to read</p> <p>4 as follows: "Personal identification card' means a</p> <p>5 personal identification voter certificate issued by</p> <p>6 the Department of Public Safety," and there was a</p> <p>7 motion to table that, which you moved.</p> <p>8 Do you recall that?</p> <p>9 MS. DONNELLY: He's just asking if you</p> <p>10 moved to table it.</p> <p>11 A. Yes.</p> <p>12 Q. (BY MR. ROSENBERG) And do you know why you</p> <p>13 moved to table it?</p> <p>14 A. No.</p> <p>15 Q. Turn the page, please. 978.</p> <p>16 Representative Veasey offered an amendment</p> <p>17 that would add as a form of identification "a valid</p> <p>18 employee identification card that contains the</p> <p>19 person's photograph and is issued by an employer of</p> <p>20 the person in the ordinary course of the employer's</p> <p>21 business."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And you moved to table that amendment.</p> <p>25 Do you see that?</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 A. Yes.</p> <p>2 Q. Do you know why you moved to table that</p> <p>3 amendment?</p> <p>4 A. No, sir.</p> <p>5 Q. Sitting here today, do you oppose that</p> <p>6 amendment?</p> <p>7 A. I don't --</p> <p>8 MS. DONNELLY: Object to the form.</p> <p>9 A. I don't know.</p> <p>10 Q. (BY MR. ROSENBERG) Turning to page 979,</p> <p>11 Amendment No. 23, Representative Dutton offered an</p> <p>12 amendment that would add to the forms of photo ID in</p> <p>13 SB 14, "a student identification card issued by a</p> <p>14 public or private high school or institution of higher</p> <p>15 education that contains the person's photograph."</p> <p>16 Do you see that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And you voted to table that; is that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you know why you did so?</p> <p>21 A. No, sir.</p> <p>22 Q. Sitting here today, do you oppose that?</p> <p>23 MS. DONNELLY: Objection to form.</p> <p>24 A. I don't know.</p> <p>25 Q. (BY MR. ROSENBERG) Are you aware as to</p>	<p style="text-align: right;">75</p> <p>1 Q. (BY MR. ROSENBERG) Do you oppose allowing</p> <p>2 individuals to use that form of ID, a valid</p> <p>3 identification card that contains the person's</p> <p>4 photograph and is issued by the state --</p> <p>5 MS. DONNELLY: Objection.</p> <p>6 Q. (BY MR. ROSENBERG) -- in order to vote?</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 You can answer.</p> <p>9 A. I don't remember what the debate was relating</p> <p>10 to all of this at the time.</p> <p>11 Q. (BY MR. ROSENBERG) Sitting here today, do you</p> <p>12 oppose allowing an individual to use a valid</p> <p>13 identification card that contains a person's</p> <p>14 photograph and is issued by the state in order to</p> <p>15 vote?</p> <p>16 A. I don't know what the debate was --</p> <p>17 MS. DONNELLY: Objection. Form.</p> <p>18 A. -- about, why it was important to use.</p> <p>19 Q. (BY MR. ROSENBERG) So sitting here today, you</p> <p>20 don't have a position on that issue?</p> <p>21 A. That's right.</p> <p>22 Q. And the same question as to the use of a</p> <p>23 student identification card issued by a public or</p> <p>24 private high school or institution of higher education</p> <p>25 that contains the person's photograph: Sitting here</p>
<p style="text-align: right;">74</p> <p>1 whether either the Indiana or Georgia statute included</p> <p>2 a student identification card with a photograph as an</p> <p>3 acceptable form of ID?</p> <p>4 A. I'm not.</p> <p>5 Q. Are you aware of whether you, yourself, have</p> <p>6 in the past supported legislation that included a</p> <p>7 student identification card as an acceptable form of</p> <p>8 ID?</p> <p>9 A. I'm not aware.</p> <p>10 Q. Turning to the next page, Amendment No. 24,</p> <p>11 which was offered by Representative Martinez Fischer</p> <p>12 and would include as an acceptable form of ID in</p> <p>13 SB 14, "a valid identification card that contains the</p> <p>14 person's photograph and is issued by this state."</p> <p>15 Do you see that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And that was moved to table, and you voted in</p> <p>18 favor of tabling it.</p> <p>19 Do you see that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you know why you did so?</p> <p>22 A. No, sir.</p> <p>23 Q. Sitting here today, do you oppose that?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">76</p> <p>1 today, do you oppose that form of identification being</p> <p>2 used as a form of ID for a person to vote?</p> <p>3 MS. DONNELLY: Objection. Form.</p> <p>4 You can answer.</p> <p>5 A. I don't recall the debate on the purpose of</p> <p>6 the IDs chosen.</p> <p>7 Q. (BY MR. ROSENBERG) And therefore, sitting</p> <p>8 here today, you don't have a position on it one way or</p> <p>9 the other?</p> <p>10 A. Yes, sir. I do not.</p> <p>11 (Harless Exhibit 168 marked/introduced.)</p> <p>12 Q. (BY MR. ROSENBERG) I'd like to have this</p> <p>13 marked as Exhibit 168, please.</p> <p>14 MR. ROSENBERG: And this is a document</p> <p>15 that's also "Highly Confidential."</p> <p>16 Q. (BY MR. ROSENBERG) And first of all, I want</p> <p>17 to ask you if you -- actually, if I may, I actually</p> <p>18 gave you my copy. Is it okay if we switched these,</p> <p>19 because I had marked this?</p> <p>20 A. Sure.</p> <p>21 MS. DONNELLY: Of course.</p> <p>22 THE WITNESS: Sorry.</p> <p>23 MR. ROSENBERG: No, my fault.</p> <p>24 THE WITNESS: Am I a part-time attorney?</p> <p>25 MS. DONNELLY: You're doing fine.</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 Q. (BY MR. ROSENBERG) Have you seen this</p> <p>2 document before?</p> <p>3 A. Not that I recall.</p> <p>4 Q. And it's entitled "Reasons for Withholding</p> <p>5 Certain Information Requested by Suzanne Gamboa,</p> <p>6 Associated Press, from State Representative Patricia</p> <p>7 Harless."</p> <p>8 Do you see that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you recall, back in January of 2012, there</p> <p>11 being a Freedom of Information Act request for certain</p> <p>12 documents from you?</p> <p>13 A. No, sir.</p> <p>14 Q. Turning your attention to the second page,</p> <p>15 the paragraph --</p> <p>16 MS. DONNELLY: Counsel, the running</p> <p>17 objection applies to those questions regarding Harless</p> <p>18 168 as well.</p> <p>19 MR. ROSENBERG: Absolutely.</p> <p>20 MS. DONNELLY: The questions and answers</p> <p>21 are sealed. This is a continuation of the running</p> <p>22 objection.</p> <p>23 You can answer.</p> <p>24 Q. (BY MR. ROSENBERG) It begins: "There are</p> <p>25 seven documents that the office seeks to withhold.</p>	<p style="text-align: right;">79</p> <p>1 Q. Does that refresh your recollection as to any</p> <p>2 issue?</p> <p>3 A. No, sir.</p> <p>4 Q. Do you know whether these documents that</p> <p>5 are -- first of all, do you recall what these</p> <p>6 documents are?</p> <p>7 A. No, sir.</p> <p>8 Q. Do you recall having given a speech to the</p> <p>9 Cy-Fair Houston Chamber of Commerce in December of</p> <p>10 2011?</p> <p>11 A. No, sir.</p> <p>12 Q. Do you know whether the documents described</p> <p>13 in this paragraph have been produced to the plaintiffs</p> <p>14 in this case?</p> <p>15 A. I do not know.</p> <p>16 Q. Representative Harless, do you understand</p> <p>17 that there has been a history of official voter-</p> <p>18 related discrimination in the state of Texas?</p> <p>19 MR. KEISTER: Object to form.</p> <p>20 A. Ask that one more time.</p> <p>21 Q. (BY MR. ROSENBERG) Sure.</p> <p>22 Do you agree that there has been a history</p> <p>23 of -- of voting-related racial discrimination in the</p> <p>24 state of Texas?</p> <p>25 MR. KEISTER: Objection. Form.</p>
<p style="text-align: right;">78</p> <p>1 Copies of those documents are included with this brief</p> <p>2 and are marked in red pencil for identification and</p> <p>3 designation of the specific grounds for which the</p> <p>4 council seeks to withhold each document. Documents A,</p> <p>5 B, C, D, and E are a single email chain between the</p> <p>6 member and her Chief of Staff Colby Beuck containing</p> <p>7 advice, opinions, and recommendations relating to a</p> <p>8 speech on Senate Bill No. 14, Acts of the 82nd</p> <p>9 Legislature, Regular Session, 2011 (Voter I.D. Law)</p> <p>10 that the representative gave to the Cy-Fair Houston</p> <p>11 Chamber of Commerce, Government Affairs Committee on</p> <p>12 December 1, 2011. Documents F and G are emails</p> <p>13 between Representative Harless and her chief of staff</p> <p>14 that relate to the representative's request for an</p> <p>15 outline and talking points for the speech on S.B. 14.</p> <p>16 Portions of documents F and G are unresponsive to the</p> <p>17 request, and are marked accordingly. Additionally,</p> <p>18 documents F and G show that 'cc' copies were sent to</p> <p>19 Julie Scott and Ella Edmiston" -- E-D-M-I-S-T-O-N --</p> <p>20 "both of whom are employed in the representative's</p> <p>21 office. All of the documents contain confidential</p> <p>22 discussions and information regarding public policy</p> <p>23 and the preparation of legislation."</p> <p>24 Do you see that?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">80</p> <p>1 MS. DONNELLY: And I join in that</p> <p>2 objection. Form.</p> <p>3 A. I don't know. We have -- we have a 1965</p> <p>4 Voting Rights Act.</p> <p>5 Q. (BY MR. ROSENBERG) And since 1965, do you</p> <p>6 understand whether Texas has been found to have</p> <p>7 violated the Voting Rights Act because of having</p> <p>8 passed discriminatory legislation?</p> <p>9 MR. KEISTER: Object to form.</p> <p>10 MS. DONNELLY: Object to form.</p> <p>11 A. I don't know.</p> <p>12 Q. (BY MR. ROSENBERG) Are you unaware of there</p> <p>13 being racial discrimination in Texas?</p> <p>14 MS. DONNELLY: Objection to the form.</p> <p>15 MR. KEISTER: Same.</p> <p>16 A. Am I unaware?</p> <p>17 Q. (BY MR. ROSENBERG) Uh-huh.</p> <p>18 A. Am I aware -- can you ask it a different way?</p> <p>19 Q. Sure.</p> <p>20 Are you aware of there being racial</p> <p>21 discrimination in Texas?</p> <p>22 A. No. Not -- not that I recall.</p> <p>23 Q. Do you agree that African-Americans have been</p> <p>24 subject to discrimination in employment in the state</p> <p>25 of Texas?</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 MS. DONNELLY: Object to form.</p> <p>2 MR. KEISTER: Objection. Form.</p> <p>3 A. I don't know.</p> <p>4 Q. (BY MR. ROSENBERG) How about Hispanics, do</p> <p>5 you think they've been subject to racial</p> <p>6 discrimination in the state of Texas?</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 MR. KEISTER: Form.</p> <p>9 A. I have no information on it.</p> <p>10 Q. (BY MR. ROSENBERG) Do you believe that</p> <p>11 African-Americans or Hispanics have been subject to</p> <p>12 discrimination in education in the state of Texas?</p> <p>13 MS. DONNELLY: Objection. Form.</p> <p>14 A. I don't know.</p> <p>15 MR. KEISTER: Form.</p> <p>16 Q. (BY MR. ROSENBERG) Do you know what the term</p> <p>17 "polarized voting" means?</p> <p>18 A. No.</p> <p>19 Q. Are you aware of there ever being political</p> <p>20 campaigns in the state of Texas that use subtle</p> <p>21 appeals to racist sentiments?</p> <p>22 MS. DONNELLY: Objection. Form.</p> <p>23 MR. KEISTER: Form.</p> <p>24 A. I don't know.</p> <p>25 MR. ROSENBERG: We can take a break. I</p>	<p style="text-align: right;">83</p> <p>1 sessions. I -- I can't recall, but we have them most</p> <p>2 sessions.</p> <p>3 Q. Okay. But -- but you personally cannot</p> <p>4 identify any bill other than SB 14 that was on a</p> <p>5 subject -- that you sponsored that was on a subject</p> <p>6 that the governor had declared a legislative</p> <p>7 emergency?</p> <p>8 A. Not that I remember.</p> <p>9 Q. Okay. And excluding SB 14, have you ever</p> <p>10 carried any bill that had been subject to a multi-hour</p> <p>11 debate on the floor of the House?</p> <p>12 MS. DONNELLY: Object to the form of the</p> <p>13 question.</p> <p>14 When you said "carried," what -- can you</p> <p>15 be more specific?</p> <p>16 MR. FREEMAN: Sponsored.</p> <p>17 Q. (BY MR. FREEMAN) Let me rephrase.</p> <p>18 Excluding SB 14, have you ever sponsored a</p> <p>19 bill that was subject to a multi-hour debate on the</p> <p>20 floor of the House?</p> <p>21 A. As the sole sponsor, not that I recall.</p> <p>22 Q. Okay. And excluding SB 14, have you ever</p> <p>23 been the sole sponsor or lead sponsor of the bill that</p> <p>24 was subject to significant, substantial news coverage?</p> <p>25 MS. DONNELLY: Objection to form.</p>
<p style="text-align: right;">82</p> <p>1 might be done with my questioning, but we should take</p> <p>2 a little break.</p> <p>3 (Break.)</p> <p>4 MR. ROSENBERG: I will pass the witness</p> <p>5 to Mr. Freeman.</p> <p>6 EXAMINATION</p> <p>7 BY MR. FREEMAN:</p> <p>8 Q. Thank you, Representative. And we will do</p> <p>9 our best to get you to your baseball game.</p> <p>10 A. I'll just listen to it.</p> <p>11 Q. Well, to get you to somewhere where you can</p> <p>12 listen to it.</p> <p>13 So first off, I just want to ask a couple</p> <p>14 questions about SB 14 and -- and the importance of</p> <p>15 SB 14.</p> <p>16 So excluding SB 14, have you ever carried a</p> <p>17 bill that was a subject that the governor had declared</p> <p>18 an emergency?</p> <p>19 MR. KEISTER: Object to form.</p> <p>20 MS. DONNELLY: I second the objection.</p> <p>21 A. I -- I don't know for sure.</p> <p>22 Q. (BY MR. FREEMAN) Can you identify any bill,</p> <p>23 excluding SB 14, that was on a subject that the</p> <p>24 governor had declared a legislative emergency?</p> <p>25 A. We have -- we have them, I think, most</p>	<p style="text-align: right;">84</p> <p>1 You can answer.</p> <p>2 A. Not that I recall.</p> <p>3 Q. (BY MR. FREEMAN) Would it be fair to say that</p> <p>4 SB 14 is the most important bill that you have</p> <p>5 sponsored in your legislative career?</p> <p>6 MS. DONNELLY: Objection. Form.</p> <p>7 MR. KEISTER: Join.</p> <p>8 A. No.</p> <p>9 Q. (BY MR. FREEMAN) Would it be fair to say that</p> <p>10 it's the most high-profile bill that you've sponsored</p> <p>11 in your legislative career?</p> <p>12 MS. DONNELLY: Objection. Form.</p> <p>13 MR. KEISTER: Form.</p> <p>14 A. No.</p> <p>15 Q. (BY MR. FREEMAN) And why not?</p> <p>16 A. I mean, it may be high profile to others, but</p> <p>17 there are other legislation that I've carried that was</p> <p>18 more high profile to my district, which is the people</p> <p>19 I serve and who I pay attention to.</p> <p>20 Q. Okay. Have you had a primary opponent since</p> <p>21 SB 14 passed?</p> <p>22 A. No.</p> <p>23 Q. And, Representative, what are all of the</p> <p>24 purposes of SB 14?</p> <p>25 MS. DONNELLY: Objection. Form. Object</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 on the grounds that the question calls for information 2 covered by legislative privilege. 3 You may answer if you would like to 4 answer, but your answer will be under seal. 5 If Counsel would like to agree to a 6 running objection, then I don't have to keep 7 interrupting you on every question. 8 Is that an agreement that we have? 9 MR. FREEMAN: That's fine. 10 MS. DONNELLY: Okay. Is that an 11 agreement among all counsel? 12 MR. ROSENBERG: Yes, it is. 13 MS. DONNELLY: So from now until we both 14 agree that there's no longer a running objection, 15 there's a running objection. 16 MR. ROSENBERG: Running objection is 17 right. 18 MS. DONNELLY: Thank you. 19 A. I don't know the -- I can't recall the answer 20 of all the purposes of it, but mainly to provide for 21 the integrity of the in-person voting by showing a 22 photo ID. 23 Q. (BY MR. FREEMAN) And there might be other 24 purposes, but you are not personally aware of them? 25 A. I don't remember them.</p>	<p style="text-align: right;">87</p> <p>1 purpose of SB 14 besides ensuring the integrity of the 2 in-person vote; is that correct? 3 A. Yes. 4 Q. Do you remember discussing the Carter-Baker 5 Commission Report during the debate on SB 14? 6 A. No, sir. 7 Q. Do you recall what the Carter-Baker 8 Commission Report was? 9 A. No, sir. 10 Q. You have no recollection of anything called 11 the Carter-Baker commission or a commission involving 12 former Secretary of State Baker and former President 13 Jimmy Carter regarding election integrity or voter ID? 14 A. I remember something being said about Carter. 15 Q. And do you have any recollection of what that 16 was? 17 A. No, sir. 18 Q. And you said that you reviewed your 19 deposition testimony previously, correct? 20 A. I went through, like, the first 30 pages -- 21 Q. Okay. 22 A. -- while watching the TCU baseball game. We 23 lost, by the way. 24 Q. I'm sorry. We'll come back to that after a 25 break.</p>
<p style="text-align: right;">86</p> <p>1 Q. Okay. What is your basis for believing that 2 there was, prior to SB 14, a lack of integrity? 3 A. Can you state that one more time? 4 Q. Well, you had just testified that the purpose 5 was to ensure the integrity of the in-person vote, 6 correct? 7 A. One of the purposes that I remember, that I 8 recall. 9 Q. A purpose. 10 And so my question was: What is the basis 11 for your belief that before SB 14 was passed there was 12 a lack of integrity in the in-person vote? 13 MS. DONNELLY: Object to the form. 14 Go ahead. 15 A. Just, when you show up to vote, saying who 16 you are, show them proof that you are who you say you 17 are. 18 Q. (BY MR. FREEMAN) But what is your basis for 19 believing that, absent showing that proof, there was a 20 lack of integrity in the in-person vote? 21 A. I don't recall. 22 Q. Before SB 14 passed, did you believe some 23 form of in-person voter fraud was occurring? 24 A. I don't recall. 25 Q. And to be clear, you don't recall any other</p>	<p style="text-align: right;">88</p> <p>1 I'd like to have you go back to Exhibit 166. 2 The first page of Exhibit 166, what are these 3 statements? 4 MS. DONNELLY: Object to the form. 5 Q. (BY MR. FREEMAN) What is this document? Just 6 the first page. 7 A. It looks like talking points. 8 Q. And am I correct that one of these talking 9 points was: "This bill is not about citizenship, 10 language, immigration, it is about preserving and 11 protecting the integrity of our election process by 12 showing a photo ID when voting in person"? 13 A. Yes, sir. 14 Q. Why was it necessary to clarify that this 15 bill was not about citizenship? 16 A. I -- I don't recall. 17 Q. Do you recall whether any supporters of voter 18 ID had tied the bill to issues concerning voter 19 citizenship? 20 A. I don't recall. 21 Q. Do you recall whether supporters of voter ID 22 had tied the issue to immigration? 23 A. I don't recall. 24 Q. If you turn to the page concerning "Impact on 25 Voters." Third page, I believe, but it's labeled page</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 7.</p> <p>2 A. Okay.</p> <p>3 Q. Do you have any other basis besides the</p> <p>4 analysis that you suggest concerning Georgia and</p> <p>5 Indiana and statewide turnout in those states, do you</p> <p>6 have any other basis to believe that SB 14 would</p> <p>7 increase minority turnout in Texas?</p> <p>8 MS. DONNELLY: Objection. Form.</p> <p>9 You can answer.</p> <p>10 A. I don't remember all that went into the</p> <p>11 debate and the preparation for SB 14.</p> <p>12 Q. (BY MR. FREEMAN) Do you remember the factual</p> <p>13 basis for why you asserted that the bill will increase</p> <p>14 turnout among all voters --</p> <p>15 MS. DONNELLY: Objection. Form.</p> <p>16 Q. (BY MR. FREEMAN) -- in Texas?</p> <p>17 MS. DONNELLY: Objection. Form.</p> <p>18 A. No. I don't remember.</p> <p>19 Q. (BY MR. FREEMAN) Do you know if you relied on</p> <p>20 any Texas-specific information in making that</p> <p>21 statement?</p> <p>22 A. I don't remember. And it says "I think."</p> <p>23 Q. Okay. Do you know when Georgia's voter ID</p> <p>24 bill was enacted?</p> <p>25 A. No. I don't remember. I know I did then, I</p>	<p style="text-align: right;">91</p> <p>1 the statement.</p> <p>2 Q. (BY MR. FREEMAN) So --</p> <p>3 A. I don't remember.</p> <p>4 Q. -- let's just say, logically, before SB 14, I</p> <p>5 could show a photo ID or I could show my voter</p> <p>6 registration card or I could show a few other nonphoto</p> <p>7 documents. After SB 14, I could only show a photo ID.</p> <p>8 Why would reducing the number of documents</p> <p>9 you can show make it less confusing for the voters if</p> <p>10 they can't continue to show exactly what they've shown</p> <p>11 before?</p> <p>12 A. I -- I don't remember.</p> <p>13 Q. But logically now, why would you -- do you</p> <p>14 continue to believe that photo ID is simpler and less</p> <p>15 confusing for the voters at this time?</p> <p>16 A. I do.</p> <p>17 Q. And why?</p> <p>18 A. I think knowing that when you show up to vote</p> <p>19 and show your photo ID, like you rent a video or do</p> <p>20 other things, it's in their normal course of everyday</p> <p>21 life.</p> <p>22 Q. Does showing your voter registration card --</p> <p>23 is that idea confusing to voters?</p> <p>24 A. I -- I don't remember all the purpose in</p> <p>25 that. I know a photo ID is what they carry every day.</p>
<p style="text-align: right;">90</p> <p>1 don't know now.</p> <p>2 Q. Is it possible that minority turnout</p> <p>3 increased in Georgia because President Obama was the</p> <p>4 first African-American nominated by a major party for</p> <p>5 president and not because a voter ID bill had been</p> <p>6 enacted?</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 You can answer.</p> <p>9 MR. KEISTER: Form.</p> <p>10 A. I don't know.</p> <p>11 Q. (BY MR. FREEMAN) If you can turn to the page</p> <p>12 "About More Restrictive Bill," which is labeled page</p> <p>13 1, but it is 7031, referring to the Bates number.</p> <p>14 Q. Do you see where it says: "Plus, I believe</p> <p>15 that Photo ID is simpler and less confusing for the</p> <p>16 voters"?</p> <p>17 A. Which paragraph is that?</p> <p>18 Q. Second paragraph, end of the second</p> <p>19 paragraph.</p> <p>20 A. Yes, I see that.</p> <p>21 Q. Why would reducing the number of ways that a</p> <p>22 voter could establish their identity reduce confusion</p> <p>23 for the voters?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. I -- I don't know what went into preparing</p>	<p style="text-align: right;">92</p> <p>1 Q. Do you see the last paragraph where it's</p> <p>2 labeled "More restrictive different bill?"</p> <p>3 A. Yes, sir.</p> <p>4 Q. And do you see where it says that "2</p> <p>5 additional years to see Photo ID working in other</p> <p>6 states and 2 additional years to hear from my</p> <p>7 constituents that a photo voter ID bill is something</p> <p>8 they expect..."?</p> <p>9 A. Yes.</p> <p>10 Q. What additional evidence did you rely on from</p> <p>11 the last two years, from 2009 to 2011, that suggested</p> <p>12 that a strict photo ID bill was working in other</p> <p>13 states?</p> <p>14 MS. DONNELLY: Objection. Form.</p> <p>15 A. I don't recall.</p> <p>16 Q. (BY MR. FREEMAN) And what did you hear from</p> <p>17 your constituents that suggested that they expected a</p> <p>18 strict photo ID bill?</p> <p>19 MS. DONNELLY: Objection. Form.</p> <p>20 Go ahead.</p> <p>21 A. Just what I've said earlier to him, in town</p> <p>22 hall meetings, meetings with constituent groups, them</p> <p>23 asking for legislation that required for people to</p> <p>24 show a photo ID when they voted in person.</p> <p>25 Q. (BY MR. FREEMAN) If you could turn back to</p>

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<p style="text-align: right;">93</p> <p>1 page 6, which is 7027, the page labeled 6. And do you 2 see where it says that the bill "Provides exceptions 3 for elderly, disabled, or indigent voters" in the 4 third paragraph? 5 A. Yes. 6 Q. And did you consider those to be beneficial 7 features of the bill? 8 A. I did. 9 Q. Do you recall if you voted to eliminate the 10 exemption for elderly voters? 11 A. I don't recall. 12 (Harless Exhibit 169 marked/introduced.) 13 Q. (BY MR. FREEMAN) Representative, what is this 14 document? 15 MS. DONNELLY: I'm sorry, Counsel, this 16 is a "Highly Confidential" document. 17 MR. FREEMAN: It is. 18 MS. DONNELLY: It's going to be treated 19 as though -- 20 MR. ROSENBERG: Highly confidential. 21 MS. DONNELLY: All the conversation and 22 questioning on this document will be treated as highly 23 confidential; is that right? 24 MR. FREEMAN: Yes. And the running 25 objection is still running.</p>	<p style="text-align: right;">95</p> <p>1 A. I would think that that's what that would 2 refer to. 3 Q. And who is Representative Miles? 4 A. He was a House member -- or is a House 5 member. 6 Q. And is Representative Miles from the Houston 7 area as well? 8 A. Yes. 9 Q. And is he African-American? 10 A. Yes. 11 Q. And does he represent a predominantly 12 African-American community? 13 A. I don't know the percentage of his district. 14 Q. And that was a provision that was passed by 15 the House, correct? 16 A. I -- I can't tell you. I guess it was. I 17 don't know if it was the House. I guess. 18 Q. Okay. And why was this provision removed 19 from SB 14? 20 A. I don't recall. 21 Q. Do you recall what the OAG or SOS concerns 22 were? 23 A. No. 24 Q. Do you see in Paragraph 5 where it talks 25 about removing "Tribal IDs as an acceptable form of</p>
<p style="text-align: right;">94</p> <p>1 MS. DONNELLY: And the running objection 2 is still running on the exhibits. 3 MR. FREEMAN: Thank you. 4 A. It looks to be an e-mail from Colby, my chief 5 of staff at the time, to me. 6 Q. (BY MR. FREEMAN) And what does this e-mail 7 describe? 8 A. It says differences between the CCR SB 14 and 9 House passage of SB 14. 10 Q. And what does CCR mean? 11 A. I guess the Conference Committee Report, 12 maybe. 13 Q. Okay. So this is the bill as it came out of 14 conference, correct? 15 A. I -- I guess. 16 Q. Okay. Do you see the second paragraph where 17 it says that the Conference Committee Report removes 18 requirement that SOS education efforts target low 19 income and minority voters? 20 A. I see that. 21 Q. And that -- that was a provision -- it says, 22 next to it, "(Miles)," correct? 23 A. Yes. 24 Q. Does that mean that was a provision added by 25 Representative Borris Miles?</p>	<p style="text-align: right;">96</p> <p>1 ID"? 2 A. Yes. 3 Q. And is it your understanding that the 4 Conference Committee removed Tribal IDs as an 5 acceptable form of voter ID? 6 A. Yes. 7 Q. And it says next to it "Naomi Gonzalez," 8 correct? 9 A. Yes. 10 Q. And so this was an amendment sponsored by 11 Representative Gonzalez? 12 A. Yes. I assume that, yeah. 13 Q. And Representative Gonzalez, she represents a 14 district in the El Paso area, correct? 15 A. I think so. I don't know. 16 Q. And she's Hispanic, correct? 17 A. She has a Hispanic surname. 18 Q. And do you know if there are any recognized 19 Native American tribes in the El Paso area? 20 A. I don't know. 21 Q. Do you know why this amendment was rejected? 22 A. I don't. 23 MS. DONNELLY: Objection. Form. 24 A. I know what's written in the next sentence. 25 Q. (BY MR. FREEMAN) Do you know how many</p>

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25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 different recognized tribes there are in Texas?</p> <p>2 A. I don't.</p> <p>3 Q. Do you know how many different forms of</p> <p>4 military ID exist?</p> <p>5 A. I don't.</p> <p>6 Q. Do you know if there are more or fewer</p> <p>7 recognized tribes in Texas than there are forms of</p> <p>8 military ID?</p> <p>9 A. I don't.</p> <p>10 Q. Put that document aside.</p> <p>11 Now, at the beginning of the legislative</p> <p>12 session in 2011, you filed your own voter ID bill,</p> <p>13 correct?</p> <p>14 A. I think so, yes.</p> <p>15 Q. Do you know if that was HB 112?</p> <p>16 A. I don't remember the number.</p> <p>17 Q. Do you remember what substantive input you</p> <p>18 provided concerning that bill?</p> <p>19 A. No.</p> <p>20 Q. When you sponsor a bill, do you generally</p> <p>21 tell your staff or the TLC what you would like to be</p> <p>22 included in that bill?</p> <p>23 A. My staff and I discuss what we're thinking or</p> <p>24 what we've been asked to do or what we plan to do, and</p> <p>25 they have those discussions. I -- I don't know what</p>	<p style="text-align: right;">99</p> <p>1 nodded.</p> <p>2 A. You asked me about the elderly and the</p> <p>3 indigent and the poor and the Conference Committee</p> <p>4 Report and if that was important, and I said yes.</p> <p>5 Q. If you could turn to page 961.</p> <p>6 A. Okay.</p> <p>7 Q. Do you see Amendment No. 7 at the bottom of</p> <p>8 the page?</p> <p>9 A. Amendment 7, yes.</p> <p>10 Q. Can you turn to the next page and review</p> <p>11 Amendment 7?</p> <p>12 A. "70 years old or older on January 1, 2012, as</p> <p>13 indicated by the date of birth on the voter's voter</p> <p>14 registration certificate; or..."</p> <p>15 Q. And this was an amendment to strike that</p> <p>16 language, correct?</p> <p>17 A. That's what it says.</p> <p>18 Q. And so this amendment struck the exemption</p> <p>19 for individuals who were 70 years of age or older on</p> <p>20 January 1, 2012; is that correct?</p> <p>21 A. I guess so.</p> <p>22 Q. Do you recall whether or not you voted in</p> <p>23 favor of this amendment?</p> <p>24 A. I don't recall.</p> <p>25 Q. If you could turn to page 965, Record Vote</p>
<p style="text-align: right;">98</p> <p>1 happens after that.</p> <p>2 Q. Do you sign off on the bill before it's</p> <p>3 submitted under your name?</p> <p>4 A. I sign it when it's filed, after they've</p> <p>5 provided a copy from leg' counsel.</p> <p>6 Q. And do you review the bill prior to signing</p> <p>7 it?</p> <p>8 A. Yes.</p> <p>9 MR. FREEMAN: Before we go into the</p> <p>10 substance, if we want to take a break now that it</p> <p>11 seems that lunch has arrived. I don't know if people</p> <p>12 have hot meals. I'm happy to go off the record and we</p> <p>13 can take a break.</p> <p>14 MS. DONNELLY: We can do that.</p> <p>15 MR. KEISTER: Sounds good to me.</p> <p>16 (Lunch break.)</p> <p>17 Q. (BY MR. FREEMAN) If we could just jump back</p> <p>18 to Exhibit 167, which is the big, fat transcript.</p> <p>19 Thank you.</p> <p>20 Now, we had previously discussed how an</p> <p>21 exemption for elderly people was important to you,</p> <p>22 correct?</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 A. (Nods head.)</p> <p>25 Q. (BY MR. FREEMAN) Is that a "yes"? You</p>	<p style="text-align: right;">100</p> <p>1 110.</p> <p>2 A. Okay.</p> <p>3 Q. Do you see whether you voted in favor of the</p> <p>4 amendment?</p> <p>5 A. 965?</p> <p>6 Q. At the bottom of that page, Record Vote 110,</p> <p>7 Amendment 7?</p> <p>8 A. Harless, yes.</p> <p>9 Q. Why did you vote in favor of that amendment?</p> <p>10 A. I don't recall.</p> <p>11 (Harless Exhibit 170 marked/introduced.)</p> <p>12 Q. (BY MR. FREEMAN) I'd like to put another</p> <p>13 document in front of you. Exhibit 170.</p> <p>14 MS. DONNELLY: Counsel, before you start</p> <p>15 asking questions, this document, Harless 170, is</p> <p>16 Highly Confidential and will be treated as sealed</p> <p>17 pursuant to the Court's order, right?</p> <p>18 MR. FREEMAN: Yes.</p> <p>19 Q. (BY MR. FREEMAN) Representative, have you</p> <p>20 seen this document before?</p> <p>21 A. I don't remember if I have or haven't.</p> <p>22 Q. And do you recall whether you produced this</p> <p>23 from your legislative file in response to the subpoena</p> <p>24 you received?</p> <p>25 A. I don't know.</p>

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<p style="text-align: right;">101</p> <p>1 Q. When you keep an op-ed or a newspaper article</p> <p>2 in a legislative folder or file, why do you usually do</p> <p>3 that?</p> <p>4 A. I don't know that I do that. I don't know if</p> <p>5 I do it or if my staff does it.</p> <p>6 Q. When a -- thank you.</p> <p>7 When a newspaper article or an op-ed is found</p> <p>8 in your legislative file, why does it usually end up</p> <p>9 there, to your knowledge?</p> <p>10 A. It's related to the bill.</p> <p>11 Q. Do you know if you've read this before?</p> <p>12 A. I don't know if I have.</p> <p>13 Q. And who is the author of this op-ed?</p> <p>14 A. It says by Jimmy Carter and James A. Baker</p> <p>15 III.</p> <p>16 Q. So that's President Carter and former</p> <p>17 Secretary of State Baker?</p> <p>18 A. I guess it is.</p> <p>19 Q. Okay.</p> <p>20 A. It doesn't say that, but I guess it is if you</p> <p>21 say it is.</p> <p>22 Q. If you could go to the seventh paragraph. It</p> <p>23 begins: "Here's the problem we were addressing..."</p> <p>24 A. Okay.</p> <p>25 Q. Could you read that paragraph into the</p>	<p style="text-align: right;">103</p> <p>1 Q. (BY MR. FREEMAN) Okay. So you have no basis</p> <p>2 to disagree, per se?</p> <p>3 MS. DONNELLY: Objection. Form.</p> <p>4 A. Well, I -- if I remember correctly -- and I'm</p> <p>5 not sure that I do -- I think Georgia's was precleared</p> <p>6 by the Department of Justice. So that would make it</p> <p>7 nondiscriminatory.</p> <p>8 Q. (BY MR. FREEMAN) My question is whether you</p> <p>9 have a factual basis to disagree with the statement</p> <p>10 that Georgia's law is discriminatory?</p> <p>11 MR. KEISTER: Objection. Asked and</p> <p>12 answered.</p> <p>13 MS. DONNELLY: Join in the objection.</p> <p>14 A. I would say that Georgia's law, if I remember</p> <p>15 correctly, has been precleared by the Department of</p> <p>16 Justice to be held constitutional; therefore, it is</p> <p>17 not discriminatory.</p> <p>18 Q. (BY MR. FREEMAN) If you move to Paragraph 9,</p> <p>19 could you read just the first sentence?</p> <p>20 A. "Yes, we are concerned about the</p> <p>21 approximately 12 percent of citizens who lack a</p> <p>22 driver's license."</p> <p>23 Q. Do you have any basis to disagree with this</p> <p>24 statement that approximately 12 percent of citizens</p> <p>25 lack a driver's license?</p>
<p style="text-align: right;">102</p> <p>1 record, please?</p> <p>2 A. "Here's the problem we were addressing: 24</p> <p>3 states already require that voters prove their</p> <p>4 identity at the polls - some states request driver's</p> <p>5 licenses, others accept utility bills, affidavits or</p> <p>6 other documents - and 12 others are considering it.</p> <p>7 This includes Georgia, which just started demanding</p> <p>8 that voters have a state-issued photo ID, even though</p> <p>9 obtaining one can be too costly or difficult for poor</p> <p>10 Georgians. We consider Georgia's law discriminatory."</p> <p>11 Q. And so did President Carter and former</p> <p>12 Secretary of State Baker state in this op-ed that they</p> <p>13 considered Georgia's law discriminatory?</p> <p>14 MR. KEISTER: Objection. Form.</p> <p>15 A. The authors wrote it, and they say that in</p> <p>16 this article.</p> <p>17 Q. (BY MR. FREEMAN) And what is the date of this</p> <p>18 article?</p> <p>19 A. September 23, 2005.</p> <p>20 Q. And do you believe that Georgia's voter ID</p> <p>21 law is discriminatory?</p> <p>22 A. I don't --</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 A. I don't have enough information to know. I</p> <p>25 don't recall.</p>	<p style="text-align: right;">104</p> <p>1 MS. DONNELLY: Objection. Form.</p> <p>2 A. I have no basis to agree or disagree.</p> <p>3 MR. FREEMAN: Okay.</p> <p>4 (Off the record.)</p> <p>5 MR. FREEMAN: Mark this Exhibit 171.</p> <p>6 (Harless Exhibit 171 marked/introduced.)</p> <p>7 Q. (BY MR. FREEMAN) And, Representative, you</p> <p>8 filed your own photograph photo ID in 2011; we</p> <p>9 discussed that before the break, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. So this is Exhibit 171, and is this the bill</p> <p>12 that you introduced in 2011?</p> <p>13 A. It looks to be.</p> <p>14 Q. And do you recall whether this bill allowed</p> <p>15 individuals to cast a valid, in-person ballot, showing</p> <p>16 photographic ID or nonphotographic ID?</p> <p>17 MS. DONNELLY: Just confirm, Counsel,</p> <p>18 the running objection is still running.</p> <p>19 A. I don't recall.</p> <p>20 MR. FREEMAN: This is a public document,</p> <p>21 but the objection speaks to her testimony.</p> <p>22 MS. DONNELLY: Yes.</p> <p>23 Q. (BY MR. FREEMAN) If you could turn to page 6</p> <p>24 and on to page 7.</p> <p>25 A. Okay.</p>

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<p style="text-align: right;">105</p> <p>1 Q. And do you see that documents listed as</p> <p>2 acceptable as proof of identification --</p> <p>3 A. Yeah.</p> <p>4 Q. -- include a variety of nonphotographic</p> <p>5 documents, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Why did you include these nonphotographic</p> <p>8 documents in your voter ID proposal?</p> <p>9 A. I don't know.</p> <p>10 Q. Would your ID proposal have helped fulfill</p> <p>11 the purpose of SB 14 that you mentioned previously?</p> <p>12 A. I can't remember about this bill.</p> <p>13 Q. Did you think that these documents were</p> <p>14 acceptable to establish a voter identity?</p> <p>15 A. I think -- I don't remember why this bill was</p> <p>16 filed, unless it was just the same as the last session</p> <p>17 bill. The prior session.</p> <p>18 Q. Now, you previously testified that your</p> <p>19 constituents had urged you to file a voter ID bill,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Had they urged you -- and after they urged</p> <p>23 you, you filed this bill, correct?</p> <p>24 A. I filed this bill at the beginning of</p> <p>25 session, because it's got a low number.</p>	<p style="text-align: right;">107</p> <p>1 A. I don't remember.</p> <p>2 Q. Do you remember if HB 112 limited the use of</p> <p>3 forms of identification to those that had been expired</p> <p>4 by 60 days or fewer?</p> <p>5 A. I don't remember.</p> <p>6 Q. If you look at the bottom of page 5 and top</p> <p>7 of page 6, do you see where it says: "a driver's</p> <p>8 license or personal identification card issued to the</p> <p>9 person by the Department of Public Safety that has not</p> <p>10 expired or that expired no earlier than two years</p> <p>11 before the date of the presentation"?</p> <p>12 A. I see that.</p> <p>13 Q. Do you believe that a driver's license that</p> <p>14 has expired by one year and 11 months is sufficient to</p> <p>15 establish an individual's identity?</p> <p>16 A. I don't know why the two years was put in</p> <p>17 this legislation.</p> <p>18 Q. But do you believe now, as we sit here, that</p> <p>19 a driver's license that's been expired for 18 months</p> <p>20 establishes an individual's identity, if the picture</p> <p>21 matches?</p> <p>22 A. I -- I don't know why you would have an ID</p> <p>23 that's been expired for two years.</p> <p>24 Q. Do some people sometimes not renew their</p> <p>25 driver's license if they don't drive anymore, older</p>
<p style="text-align: right;">106</p> <p>1 Q. And --</p> <p>2 A. Or maybe even before session started, because</p> <p>3 it's got a low number.</p> <p>4 Q. And so had your constituents urged you to</p> <p>5 file anything different from this bill specifically?</p> <p>6 A. I don't recall. I don't -- you know, if I</p> <p>7 spent hours going over what happened during this 2011</p> <p>8 session, I might understand more what was going on,</p> <p>9 but I haven't done that.</p> <p>10 Q. As you stand now do you believe that the</p> <p>11 documents listed as acceptable as proof of</p> <p>12 identification are, in fact, effective ways for a</p> <p>13 voter to establish their identity?</p> <p>14 A. I think the most effective way for a voter to</p> <p>15 establish their identity for in-person voting is with</p> <p>16 a photo ID.</p> <p>17 Q. Do you think that these are insufficient in</p> <p>18 any way?</p> <p>19 A. If they don't include a photo ID, I do.</p> <p>20 Q. And why's that?</p> <p>21 A. Because a photo ID is to identify you are who</p> <p>22 you say you are.</p> <p>23 Q. Do you know if HB 112 was referred to the</p> <p>24 Select Committee on Voter Identification and Voter</p> <p>25 Fraud?</p>	<p style="text-align: right;">108</p> <p>1 folks?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. To your knowledge, did Colby Beuck,</p> <p>4 your former chief of staff, provide assistance with</p> <p>5 the drafting of this bill?</p> <p>6 A. I don't recall. I know leg' counsel drafts</p> <p>7 the bills.</p> <p>8 Q. Do you know if he provided any substantive</p> <p>9 input to leg' counsel?</p> <p>10 A. I think we fill out forms to do it, and he</p> <p>11 would have been the one who would have done that.</p> <p>12 Q. During the drafting of SB 14, do you know</p> <p>13 if -- if Mr. Beuck helped provide input on the Senate</p> <p>14 bill?</p> <p>15 A. I don't know.</p> <p>16 Q. Is there any circumstance in which a member</p> <p>17 of your staff has worked with an individual on the</p> <p>18 Senate to craft a Senate side bill?</p> <p>19 A. Not in my knowledge.</p> <p>20 Q. Okay. Now, turning away from this bill and</p> <p>21 just to SB 14, do you know why SB 14 includes military</p> <p>22 ID as an acceptable form of photographic ID?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you know why it includes passports?</p> <p>25 A. No, sir.</p>

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<p style="text-align: right;">109</p> <p>1 Q. Do you know why it does not include a federal</p> <p>2 employee ID with a person's photograph on it?</p> <p>3 A. I don't recall.</p> <p>4 Q. Do you know why it doesn't include any other</p> <p>5 federally-issued ID besides passports or</p> <p>6 Department of Defense-issued or VA-issued ID?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you know why SB 14 doesn't include state</p> <p>9 employee IDs?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you know why it doesn't include municipal</p> <p>12 IDs?</p> <p>13 A. I don't. I don't know.</p> <p>14 Q. Do you remember if you provided Mr. Beuck</p> <p>15 with any instructions as to the substance of what you</p> <p>16 wanted included in SB 14?</p> <p>17 A. I didn't draft SB 14.</p> <p>18 Q. Okay. Do you remember if the Mexican</p> <p>19 American Legal Defense and Education Fund, MALDEF, do</p> <p>20 you remember if they took a position on SB 14?</p> <p>21 A. I think they did.</p> <p>22 Q. And what was that position?</p> <p>23 A. I think they were opposed to it. I -- I</p> <p>24 think there was testimony that they were opposed to</p> <p>25 it.</p>	<p style="text-align: right;">111</p> <p>1 bills, and I try to listen to their concerns.</p> <p>2 Q. (BY MR. FREEMAN) And why did you, in the end,</p> <p>3 decide to continue to support SB 14, notwithstanding</p> <p>4 the concerns that these groups raised?</p> <p>5 A. Because I thought that the bill was a good</p> <p>6 bill and providing integrity in the election process.</p> <p>7 Q. Did MALDEF and the NAACP raise other concerns</p> <p>8 about possible harms that SB 14 would have?</p> <p>9 A. I don't recall what their -- what their</p> <p>10 opposition was.</p> <p>11 Q. Do you remember what Representative Anchia's</p> <p>12 opposition was?</p> <p>13 A. No.</p> <p>14 Q. Do you remember what Representative Veasey's</p> <p>15 opposition was?</p> <p>16 A. No.</p> <p>17 Q. Do you remember whether, at the Select</p> <p>18 Committee on Voter Identification and Voter Fraud</p> <p>19 hearing on SB 14, whether there were experts who</p> <p>20 testified about the possible effects of SB 14?</p> <p>21 A. I don't recall specifically. I know we had</p> <p>22 someone come in and testify, but I couldn't even tell</p> <p>23 you who that was.</p> <p>24 Q. Do you remember someone named Tova Wang?</p> <p>25 A. No.</p>
<p style="text-align: right;">110</p> <p>1 Q. Did it concern you that MALDEF was opposed to</p> <p>2 SB 14?</p> <p>3 A. There was a lot of people that were in</p> <p>4 support and opposition to the bill. I'm -- no, I'm --</p> <p>5 I'm never surprised. I'm always willing to listen.</p> <p>6 Q. But does it concern you when a minority</p> <p>7 rights group is actively opposed to a bill, does that</p> <p>8 raise concerns for you specifically?</p> <p>9 MS. DONNELLY: Objection. Form.</p> <p>10 A. I try to listen to all concerns from every</p> <p>11 group.</p> <p>12 Q. (BY MR. FREEMAN) Do you remember if the NAACP</p> <p>13 took a position on SB 14?</p> <p>14 A. I can't say for sure, but I would think they</p> <p>15 would.</p> <p>16 Q. And what would make you think that they</p> <p>17 would?</p> <p>18 A. Well, I think they did. I mean, I think I</p> <p>19 read something.</p> <p>20 Q. Do you remember what that position was?</p> <p>21 A. Opposed to it.</p> <p>22 Q. And did it concern you that the NAACP was</p> <p>23 opposed to it?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. I'm concerned when anybody's opposed to any</p>	<p style="text-align: right;">112</p> <p>1 Q. Do you remember the term the Brennan Center?</p> <p>2 A. I remember the term.</p> <p>3 Q. And do you remember if anyone from the</p> <p>4 Brennan Center provided testimony?</p> <p>5 A. I don't remember.</p> <p>6 Q. And we had previously discussed the</p> <p>7 Carter-Baker Commission.</p> <p>8 Do you remember someone named Toby Moore?</p> <p>9 A. I don't remember.</p> <p>10 Q. Do you know if he was a staff member of the</p> <p>11 Carter-Baker Commission?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay.</p> <p>14 A. I don't remember.</p> <p>15 Q. Do you remember whether there was any</p> <p>16 testimony in the Select Committee hearing about the</p> <p>17 number of people who might not have the types of IDs</p> <p>18 required by SB 14 in order to cast a valid in-person</p> <p>19 ballot?</p> <p>20 A. I don't.</p> <p>21 Q. Do you remember if there were disagreements</p> <p>22 among the different experts about whether or not it</p> <p>23 would be a problem, whether there would be a</p> <p>24 substantial number of people who would lack ID?</p> <p>25 A. I remember the Secretary of State testifying,</p>

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29 (Pages 113 to 116)

<p style="text-align: right;">113</p> <p>1 but -- and arguments back and forth, but I can't</p> <p>2 recall specifically what that was.</p> <p>3 Q. But in the end, you took the position that</p> <p>4 there weren't going to be a large number of people who</p> <p>5 lacked these IDs, right?</p> <p>6 MS. DONNELLY: Objection. Form.</p> <p>7 A. I don't remember what my position was on</p> <p>8 that.</p> <p>9 Q. (BY MR. FREEMAN) Why do you think that there</p> <p>10 was -- well, first -- sorry. Strike that.</p> <p>11 Would you agree that there was strong</p> <p>12 opposition to SB 14 among the people who voted against</p> <p>13 it?</p> <p>14 MS. DONNELLY: Objection. Form.</p> <p>15 A. There was opposition.</p> <p>16 Q. (BY MR. FREEMAN) Why do you think they</p> <p>17 opposed SB 14?</p> <p>18 A. I don't know.</p> <p>19 Q. You have no understanding of -- of the</p> <p>20 opposition to this bill?</p> <p>21 A. No. Every bill, there's opposition, and I --</p> <p>22 I never can quite understand all the workings behind</p> <p>23 it.</p> <p>24 Q. Have you ever had an individual registered</p> <p>25 voter tell you that they did not vote because they</p>	<p style="text-align: right;">115</p> <p>1 SB 14?</p> <p>2 A. No, sir.</p> <p>3 Q. As we sit here now, if it is, in fact, the</p> <p>4 case that African-American and Hispanic voters lack</p> <p>5 the ID required by SB 14 at a greater rate than Anglo</p> <p>6 voters, do you think that SB 14 is still a worthwhile</p> <p>7 law?</p> <p>8 MS. DONNELLY: Objection. Form.</p> <p>9 MR. KEISTER: Form.</p> <p>10 A. I'm not going to speculate.</p> <p>11 (Harless Exhibit 172 marked/introduced.)</p> <p>12 MR. FREEMAN: Mark the following</p> <p>13 document as Exhibit 172. And this document has been</p> <p>14 designated Highly Confidential, so the document itself</p> <p>15 will be placed under seal, and it is my understanding</p> <p>16 that a running objection continues to run its</p> <p>17 marathon.</p> <p>18 MS. DONNELLY: Thank you.</p> <p>19 Q. (BY MR. FREEMAN) Representative, have you</p> <p>20 seen this document before?</p> <p>21 A. Not that I recall.</p> <p>22 Q. What is this document?</p> <p>23 A. It looks like an e-mail from Ann McGeehan,</p> <p>24 Secretary of State's office, sent to me and Colby and</p> <p>25 copied a John -- I don't know how to say his last</p>
<p style="text-align: right;">114</p> <p>1 were concerned about voter fraud canceling out their</p> <p>2 vote?</p> <p>3 A. Not that I can recall.</p> <p>4 Q. Was there any testimony given to the Select</p> <p>5 Committee on Voter Identification and Voter Fraud --</p> <p>6 which I will, in the future, just call the Select</p> <p>7 Committee, if that's okay.</p> <p>8 A. Okay.</p> <p>9 Q. Was there any testimony to the Select</p> <p>10 Committee stating that SB 14 would have a</p> <p>11 disproportionate impact on minority voters?</p> <p>12 A. I don't remember the testimony in committee.</p> <p>13 Q. Was there any testimony that minority voters</p> <p>14 were less likely than Anglo voters to possess the</p> <p>15 types of ID required to cast a valid in-person ballot</p> <p>16 under -- or regular in-person ballot under SB 14?</p> <p>17 A. I don't remember the testimony in committee.</p> <p>18 Q. Are you aware of how many individuals had to</p> <p>19 cast provisional ballots in either the November 2013</p> <p>20 general election or the 2014 primary --</p> <p>21 A. No, sir.</p> <p>22 Q. -- because they arrived at a polling place</p> <p>23 without the ID required by SB 14?</p> <p>24 A. No, sir.</p> <p>25 Q. So you haven't followed the implementation of</p>	<p style="text-align: right;">116</p> <p>1 name.</p> <p>2 Q. Sepehri?</p> <p>3 A. Sepehri.</p> <p>4 Q. Do you know who John Sepehri is?</p> <p>5 A. I don't remember. It shows that it had some</p> <p>6 attachments, and it's a letter to me. Or an e-mail to</p> <p>7 me, sorry.</p> <p>8 Q. And this is dated Friday, February 25th?</p> <p>9 A. Yes, 2011.</p> <p>10 Q. If you could just go to the third paragraph</p> <p>11 of this e-mail, did Ms. McGeehan write to you that</p> <p>12 "...concerning the number of voters who have not been</p> <p>13 issued TDL/personal ID cards by DPS, we are still</p> <p>14 working with our IT Dept to analyze that data, and</p> <p>15 hope to have an analysis by Monday"?</p> <p>16 A. That's what this says.</p> <p>17 Q. Had you asked her for that analysis?</p> <p>18 A. I don't recall.</p> <p>19 Q. Did you follow up on this request?</p> <p>20 A. I don't remember.</p> <p>21 (Harless Exhibit 173 marked/introduced.)</p> <p>22 MR. FREEMAN: The following document,</p> <p>23 173, this has also been designated as "Highly</p> <p>24 Confidential" and will be placed under seal.</p> <p>25 Q. (BY MR. FREEMAN) Representative, what is this</p>

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<p style="text-align: right;">117</p> <p>1 document?</p> <p>2 A. It is an e-mail from Ann McGeehan to Colby,</p> <p>3 dated February 25, 2011, questions what -- it says:</p> <p>4 Question: What is the number of voters that do not</p> <p>5 have a Texas Drivers License/Personal ID or Social</p> <p>6 Security Number in the statewide database?</p> <p>7 Q. And so this was sent just a couple of hours</p> <p>8 after Exhibit 172?</p> <p>9 A. Three hours and 14 minutes.</p> <p>10 Q. I appreciate your precision.</p> <p>11 This isn't saying the number of people who</p> <p>12 have a Texas driver's license because of matching</p> <p>13 against DPS, correct?</p> <p>14 A. I don't know what it's saying.</p> <p>15 Q. If you could take a moment to review it,</p> <p>16 then.</p> <p>17 A. What did you ask, is it saying?</p> <p>18 Q. So this document does not say the number of</p> <p>19 individuals who have been issued Texas driver's</p> <p>20 license or personal identification cards by DPS --</p> <p>21 MS. DONNELLY: Objection.</p> <p>22 Q. (BY MR. FREEMAN) -- correct?</p> <p>23 MS. DONNELLY: Please don't speculate on</p> <p>24 what somebody else meant.</p> <p>25 A. Yeah, I -- yeah, I don't -- I don't know.</p>	<p style="text-align: right;">119</p> <p>1 numbers reflect new registration since January 2006</p> <p>2 and show what identification numbers that new</p> <p>3 applicants provided.</p> <p>4 The second set of numbers reflect the entire</p> <p>5 statewide file of registered voters and shows which</p> <p>6 identification numbers were provided by the applicants</p> <p>7 before or after January 2006. But she says that they</p> <p>8 did not keep that information prior to 2006.</p> <p>9 So I think it's not quite an analysis. It's,</p> <p>10 in their mind, an estimation of what they think, if</p> <p>11 they had to guess.</p> <p>12 Q. Okay. That's fine.</p> <p>13 (Harless Exhibit 174 marked/introduced.)</p> <p>14 MR. FREEMAN: Mark the next document as</p> <p>15 Exhibit 174. This is not marked "Highly</p> <p>16 Confidential."</p> <p>17 Q. (BY MR. FREEMAN) What is this document?</p> <p>18 A. I have no clue.</p> <p>19 Q. Do you see, at the top of it, it says "Voter</p> <p>20 Fraud Hearing, March 1, 2011"?</p> <p>21 A. "Volume 2, March 1, 2011," yes.</p> <p>22 Q. Would you agree that this is a transcript of</p> <p>23 the Voter Fraud Hearing?</p> <p>24 A. It looks to be a transcript from the Voter</p> <p>25 Fraud Hearing on March 1, 2011.</p>
<p style="text-align: right;">118</p> <p>1 Q. (BY MR. FREEMAN) So if you look at 172,</p> <p>2 would you say that 173 is the analysis that</p> <p>3 Ms. McGeehan described in the third paragraph of 172,</p> <p>4 or is this something different?</p> <p>5 MS. DONNELLY: Objection. Form.</p> <p>6 Please don't speculate.</p> <p>7 A. I don't know. She said she'd have the</p> <p>8 analysis by Monday. This is on a Friday. I don't</p> <p>9 know.</p> <p>10 Q. (BY MR. FREEMAN) Reading 173, as you</p> <p>11 understand the document, is this a description of the</p> <p>12 number of voters who possess a Texas driver's license</p> <p>13 or identification card?</p> <p>14 MS. DONNELLY: Objection. Form.</p> <p>15 A. What are you asking, if it is?</p> <p>16 Q. (BY MR. FREEMAN) Is this an analysis of the</p> <p>17 number of voters in Texas who possess a Texas driver's</p> <p>18 license or personal identification card issued by DPS?</p> <p>19 A. I don't know that for a fact, no.</p> <p>20 Q. Did Ms. McGeehan provide a calculation of the</p> <p>21 number of voters who provided a Texas driver's license</p> <p>22 or ID number when they registered to vote?</p> <p>23 A. Well, in reading the paragraph, it goes into</p> <p>24 details about how their system had been updated and</p> <p>25 not everything is accurate, and the first set of</p>	<p style="text-align: right;">120</p> <p>1 Q. Do you recall when the Select Committee held</p> <p>2 its hearing on SB 14?</p> <p>3 A. I do not.</p> <p>4 Q. Would it have been around March 1st?</p> <p>5 A. It could have been. I have no reason to</p> <p>6 doubt that this is anything but valid.</p> <p>7 Q. Okay. I appreciate that.</p> <p>8 During the Select Committee hearing, do you</p> <p>9 recall whether any members of the committee asked Ann</p> <p>10 McGeehan whether the Secretary of State's office had</p> <p>11 matched the voter registration file against the</p> <p>12 driver's license file to determine how many voters</p> <p>13 lacked DPS-issued IDs?</p> <p>14 A. I don't remember what they specifically</p> <p>15 asked.</p> <p>16 Q. If you could review page 289, the first page</p> <p>17 of this transcript.</p> <p>18 A. Okay.</p> <p>19 Q. And actually, the second page as well.</p> <p>20 A. How far? All the way down?</p> <p>21 Q. Just through the second page, yes.</p> <p>22 A. Okay.</p> <p>23 Q. Having reviewed this transcript, during the</p> <p>24 Select Committee hearings, did any members of the</p> <p>25 committee ask Ann McGeehan whether SOS, the Secretary</p>

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<p style="text-align: right;">121</p> <p>1 of State's office, had matched the voter registration 2 file against the driver's license file to determine 3 how many voters lacked DPS-issued ID? 4 MS. DONNELLY: Objection. The record 5 speaks for itself. 6 You can answer. 7 A. In this -- in this transcript, she says that 8 they shared information, they worked with, I guess, 9 another agency. But since 2006, they've required 10 Social Security, and they've matched that. And it 11 says: "So since that time, we show 34,506 voters out 12 of almost 4 million that stated they did not have 13 I.D." 14 Q. (BY MR. FREEMAN) Where are you reading that 15 from? 16 A. On page 2, in the middle of the page under 17 Ann McGeehan. 18 Q. That's page 291, so the third page of the 19 transcript? 20 A. No. Right here. On the first page. 291, 21 yeah. Page 291. I didn't go to there. 22 Q. I'm sorry, you have -- you have two copies of 23 the same. 24 MS. DONNELLY: Yes, I have two copies of 25 the same as well.</p>	<p style="text-align: right;">123</p> <p>1 A. I don't know. I don't know. 2 Q. Did you follow up on the request for this 3 information any time after March 1st, as the sponsor 4 of the bill? 5 A. I don't remember. 6 Q. Is there any circumstance that you're aware 7 of in which you've requested information from the 8 Office of the Secretary of State about a bill that you 9 sponsored and that the Secretary of State has not 10 provided that information, even though it had it? 11 A. Not that I recall. 12 Q. Is there any circumstance that you're aware 13 of with regard to any legislative order in which 14 there's been a request for information the Secretary 15 of State had and the Secretary of State simply did not 16 provide it? 17 MR. KEISTER: Object to form. 18 A. I would only be able to ask -- answer about 19 me. 20 Q. (BY MR. FREEMAN) Okay. 21 (Harless Exhibit 175 marked/introduced.) 22 MR. FREEMAN: Mark the following 23 document Exhibit 175. This document has not been 24 marked "Highly Confidential." 25 Q. (BY MR. FREEMAN) Representative, I'll ask you</p>
<p style="text-align: right;">122</p> <p>1 Q. (BY MR. FREEMAN) You didn't have the first 2 page. My apologies. My mistake. You didn't have the 3 page at all that I asked you to read. 4 A. Okay. 5 Q. If you could review pages 289 and 290. 6 A. Okay. 7 Q. So during the Select Committee, do you agree 8 that an unidentified representative asked Ms. McGeehan 9 whether SOS had done a match to determine with the 10 driver's license file as to whether particular voters 11 have driver's licenses or not? That's on page 290. 12 A. 290? "Have you all done a match to determine 13 with the driver's license file as to whether these 14 folks have driver's licenses or not?" 15 "Uh-huh." 16 Q. Do you recall who asked that question, by any 17 chance? 18 A. I don't. 19 Q. Okay. And did Ms. McGeehan state that the 20 Secretary of State's IT department was still working 21 on that analysis? 22 A. We're looking at it to make sure. 23 Q. So the analysis that Ms. McGeehan provided to 24 Mr. Beuck on February 25th, that wasn't this matching 25 analysis, right?</p>	<p style="text-align: right;">124</p> <p>1 to review this document in its entirety. 2 A. Okay. 3 Q. Have you seen this document before? 4 A. Not that I recall. 5 Q. Have you seen any similar document laying out 6 the analysis that is found on pages 2 and 3? 7 A. Not that I recall. 8 Q. Do you know why you never received this 9 analysis? 10 A. I don't. 11 MS. DONNELLY: Objection. Form. 12 MR. KEISTER: Objection. Form. 13 A. I don't know if I have or haven't. 14 Q. (BY MR. FREEMAN) To your understanding, is 15 this the analysis that was asked for during the Select 16 Committee hearing? 17 MR. KEISTER: Object to form. 18 MS. DONNELLY: Object to form. 19 A. I don't know if it is or isn't. 20 Q. (BY MR. FREEMAN) Well, reviewing it, does it 21 appear to be a matching analysis between DPS records 22 and the voter file? 23 A. I'm not sure what it is. I mean, I know 24 they've got their queries and matching criteria and 25 number of voters, but I don't know why there's all the</p>

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<p style="text-align: right;">125</p> <p>1 different numbers.</p> <p>2 And they have several questions: "Does it</p> <p>3 include Social Securities?" "I don't know, I'll found</p> <p>4 out." So I'm not sure what it is, what it's about,</p> <p>5 what it actually means.</p> <p>6 Q. And as you continue to review the document,</p> <p>7 you have no better understanding of what it would mean</p> <p>8 to run a query for particular matching criteria</p> <p>9 between voters --</p> <p>10 A. Right.</p> <p>11 Q. -- and DPS records?</p> <p>12 A. Right. I don't -- you know, I -- there's not</p> <p>13 enough information here to tell you what it is.</p> <p>14 Q. We can agree that, at present, there's no</p> <p>15 exemption from SB 14 for voters who are 70 or older,</p> <p>16 correct?</p> <p>17 A. I don't remember.</p> <p>18 Q. Well, that's because Amendment 7 that we</p> <p>19 discussed earlier, right?</p> <p>20 A. "Did we not put it back in in conference?"</p> <p>21 "I don't remember."</p> <p>22 Q. Do you know whether SB 14 currently contains</p> <p>23 an exemption for individuals who are 70 or older?</p> <p>24 A. I don't remember.</p> <p>25 Q. Looking at page 2 of this document -- I'm</p>	<p style="text-align: right;">127</p> <p>1 I don't remember what the debate was. I remember</p> <p>2 there was some question in whether these numbers were</p> <p>3 valid. But I don't remember what that was. That</p> <p>4 numbers presented were in -- were not necessarily</p> <p>5 valid.</p> <p>6 Q. (BY MR. FREEMAN) Within the Texas population,</p> <p>7 just knowing, based on your personal knowledge, would</p> <p>8 you say that individuals who lacked -- or who are</p> <p>9 poor, would you say they're more likely or less likely</p> <p>10 to have a photo ID?</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 MR. KEISTER: Form.</p> <p>13 A. I think that in this day and time, in</p> <p>14 Houston, Texas, in Texas in general, that most</p> <p>15 everyone has some form of photo ID.</p> <p>16 Q. (BY MR. FREEMAN) Most everyone. But what</p> <p>17 about the people who don't?</p> <p>18 A. I have no clue who that might be.</p> <p>19 Q. I'm done with that document.</p> <p>20 So you testified earlier that there was an</p> <p>21 increased interest in matters related to elections in</p> <p>22 your district --</p> <p>23 A. Yes.</p> <p>24 Q. -- before this term, correct?</p> <p>25 Did those concerns ever focus on noncitizen</p>
<p style="text-align: right;">126</p> <p>1 looking at Query 1, Query 3 and Query 5, the ones that</p> <p>2 don't contain an exemption for voters who are 70 or</p> <p>3 older.</p> <p>4 Of those three, what is the lowest number of</p> <p>5 voters that did not match a DPS record?</p> <p>6 A. 1, 3 and 5, what is the lowest number?</p> <p>7 Q. The lowest of the estimates there for the</p> <p>8 number of voters who did not match to a DPS record.</p> <p>9 MS. DONNELLY: Object to the form of the</p> <p>10 question.</p> <p>11 You understand the question?</p> <p>12 A. It would look like 3.</p> <p>13 Q. (BY MR. FREEMAN) And is that 6- --</p> <p>14 A. Is that right?</p> <p>15 Q. Is that 678,560 voters?</p> <p>16 A. That's what this says.</p> <p>17 Q. If you had known, during consideration of</p> <p>18 SB 14, that the Secretary of State's office was not</p> <p>19 able to determine that 678,560 voters lacked -- or had</p> <p>20 a DPS-issued ID, would you have still supported the</p> <p>21 bill?</p> <p>22 MR. KEISTER: Objection. Form.</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 MR. KEISTER: Misstates the document.</p> <p>25 A. I don't know about the validity of all this.</p>	<p style="text-align: right;">128</p> <p>1 voting?</p> <p>2 A. I don't recall that.</p> <p>3 Q. Did they ever focus specifically on Hispanic</p> <p>4 voters?</p> <p>5 A. I don't recall that.</p> <p>6 Q. Do you remember why your constituents</p> <p>7 considered these issues important?</p> <p>8 A. They think one vote, one person, makes a</p> <p>9 difference.</p> <p>10 Q. Did any of your constituents ever volunteer</p> <p>11 specific information about why they found these issues</p> <p>12 to be important?</p> <p>13 A. I can't recall.</p> <p>14 Q. If we could go back to Exhibit 164. It's a</p> <p>15 big packet of e-mails. The first page has your</p> <p>16 letterhead on it. There we go.</p> <p>17 If you could turn to page 711. Actually, on</p> <p>18 page 712.</p> <p>19 A. Okay.</p> <p>20 Q. And did a constituent write to you, saying,</p> <p>21 "Recently, I was told of a democratic Hispanic group</p> <p>22 jumping for joy saying ~"the Senate bill did nothing</p> <p>23 on paper ballots...that is how we will continue doing</p> <p>24 what we want to do"? 712.</p> <p>25 A. 712. Is that from the same person? Yeah.</p>

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<p style="text-align: right;">129</p> <p>1 Okay.</p> <p>2 Yes, I see that.</p> <p>3 Q. Did you receive many messages from</p> <p>4 constituents saying that Hispanic groups were jumping</p> <p>5 for joy about voter fraud?</p> <p>6 A. I don't recall.</p> <p>7 Q. And in your response, which is on page 711,</p> <p>8 did you question this account at all?</p> <p>9 A. Do you want me to read my response?</p> <p>10 Q. I would, yes.</p> <p>11 A. Okay. Okay. What was your question?</p> <p>12 Q. Did you question this voter's account of</p> <p>13 Hispanic groups "jumping for joy"?</p> <p>14 A. I didn't address it.</p> <p>15 Q. Okay. And did you address in any way the</p> <p>16 assertion that this voter's description of voter fraud</p> <p>17 focused on Hispanic groups?</p> <p>18 A. I -- I don't see that I talked about that. I</p> <p>19 talked about how the ballot-by-mail process works and</p> <p>20 where they can get more information on that and how</p> <p>21 they handle it.</p> <p>22 Q. Okay. Let's turn to page 744, which is</p> <p>23 toward the back of the packet.</p> <p>24 MS. DONNELLY: I don't have a 744 or</p> <p>25 745.</p>	<p style="text-align: right;">131</p> <p>1 A. Not that I recall.</p> <p>2 Q. (BY MR. FREEMAN) And did you correct --</p> <p>3 sorry. Strike that.</p> <p>4 Does SB 14 require proof of citizenship?</p> <p>5 A. I think, to register to vote, you check that</p> <p>6 you are a citizen.</p> <p>7 Q. But does SB 14 require a voter who shows up</p> <p>8 at the poll to provide a form of ID that establishes</p> <p>9 citizenship?</p> <p>10 A. They can show a form of ID that's citizenship</p> <p>11 that has their photo on it.</p> <p>12 Q. But do they have to?</p> <p>13 A. I don't think so.</p> <p>14 Q. Did you correct the voter's perception that</p> <p>15 SB 14 requires proof of citizenship?</p> <p>16 A. I typically try not to correct my</p> <p>17 constituents. I try to give them relevant information</p> <p>18 that will help them be more informed.</p> <p>19 Q. Would it help them be more informed to</p> <p>20 explain what SB 14 does and doesn't do?</p> <p>21 A. In the real world, no.</p> <p>22 Q. And why's that?</p> <p>23 A. You know, I just think that it's best</p> <p>24 sometimes to give them information to do their own due</p> <p>25 diligence and not argue with them. It's not my job to</p>
<p style="text-align: right;">130</p> <p>1 MR. FREEMAN: I have a separate copy of</p> <p>2 it. I was trying to keep the number of exhibits down.</p> <p>3 (Harless Exhibit 176 marked/introduced.)</p> <p>4 MR. FREEMAN: I'm going to mark this</p> <p>5 document as Exhibit 176.</p> <p>6 Q. (BY MR. FREEMAN) Representative, have you</p> <p>7 seen this document before?</p> <p>8 A. Not that I recall.</p> <p>9 Q. What is this document?</p> <p>10 A. It looks like an e-mail to my state e-mail --</p> <p>11 or from my state e-mail to a Sandra Thibodeau, dated</p> <p>12 March 28, 2012.</p> <p>13 Q. And who is Sandra Thibodeau?</p> <p>14 A. I have no clue.</p> <p>15 Q. And do you see, in her e-mail, she said: "So</p> <p>16 why should someone who cannot produce documentation of</p> <p>17 citizenship be allowed to vote in U.S. elections?"</p> <p>18 MS. DONNELLY: Why don't you take a</p> <p>19 moment to read it.</p> <p>20 A. Yes.</p> <p>21 Q. (BY MR. FREEMAN) Did you receive many</p> <p>22 messages from constituents, either in person or by</p> <p>23 e-mail or on the phone, arguing in favor of proof of</p> <p>24 citizenship related to voter ID?</p> <p>25 MS. DONNELLY: Objection.</p>	<p style="text-align: right;">132</p> <p>1 change their mind.</p> <p>2 Q. But is it your job to educate them?</p> <p>3 A. I -- I do that. I provide them information</p> <p>4 where they can get more information.</p> <p>5 Q. And if we could go back to Exhibit 164, the</p> <p>6 big packet.</p> <p>7 A. The e-mails?</p> <p>8 Q. Yes.</p> <p>9 If you could just turn to the third page of</p> <p>10 the document, which is -- which is --</p> <p>11 A. 704?</p> <p>12 Q. -- 704, yes.</p> <p>13 And did you write to this constituent that</p> <p>14 Canada, Mexico, Germany, France, Greece, and even</p> <p>15 Iraq, require photo identification to ensure that</p> <p>16 there is not repetitive or deceptive voting?</p> <p>17 MS. DONNELLY: If you need to read the</p> <p>18 whole document, feel free to do so.</p> <p>19 A. This is an e-mail from my state e-mail to</p> <p>20 someone -- I don't know if they're a constituent or</p> <p>21 not -- and I don't know if I wrote this or if my staff</p> <p>22 wrote this, but it is a response to an e-mail.</p> <p>23 Q. (BY MR. FREEMAN) When you write e-mail to</p> <p>24 constituents or other individuals who write to you, do</p> <p>25 you try to ensure that those statements are accurate?</p>

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<p style="text-align: right;">133</p> <p>1 A. My staff tries to, yes.</p> <p>2 Q. Do you know if it's accurate that Canada,</p> <p>3 Mexico, Germany, France, Greece, and even Iraq,</p> <p>4 require photo identification in order to vote?</p> <p>5 A. I don't know what they did in 2009, I don't</p> <p>6 know what they do today.</p> <p>7 Q. Okay. One more.</p> <p>8 If you turn to page 718. If you look in the</p> <p>9 first paragraph, did you -- did you write to this</p> <p>10 individual: "As the bipartisan Commission on Federal</p> <p>11 Election Reform concluded, ballot access should</p> <p>12 have...the same degree of integrity as boarding a</p> <p>13 plane or cashing a check, both of which require a</p> <p>14 photo ID"?</p> <p>15 A. I don't know if I wrote this. There's a</p> <p>16 response to a constituent that says what you just</p> <p>17 read.</p> <p>18 Q. And is the bipartisan Commission on Federal</p> <p>19 Election Reform, is that the Carter-Baker Commission</p> <p>20 that we discussed earlier?</p> <p>21 A. I don't know.</p> <p>22 Q. Do you know for certain that photo ID is</p> <p>23 necessary to board a plane?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know for certain that it's not</p>	<p style="text-align: right;">135</p> <p>1 substantive provisions in a draft bill that a</p> <p>2 legislator has asked them to draft because they</p> <p>3 believe it would violate the Texas Constitution?</p> <p>4 A. I don't know what they do with other</p> <p>5 legislators.</p> <p>6 Q. Have they ever done that for you?</p> <p>7 A. They've sent back stuff said -- saying that</p> <p>8 we couldn't do it there, or the way we wanted to do</p> <p>9 it, because it wouldn't fit in that area of the</p> <p>10 government code or...</p> <p>11 Q. Have they ever sent something back saying</p> <p>12 that it would violate the Texas Constitution?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Have they ever sent something back saying it</p> <p>15 would violate federal law?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Have they ever sent something back saying</p> <p>18 that it would violate the Voting Rights Act?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Are there any other steps, other than relying</p> <p>21 on whether or not leg' counsel sends back to you that</p> <p>22 you take to ensure that a bill complies with federal</p> <p>23 law?</p> <p>24 A. Not that I recall.</p> <p>25 Q. And are there any other steps other than</p>
<p style="text-align: right;">134</p> <p>1 possible to cash a check without photo ID?</p> <p>2 A. I don't know.</p> <p>3 Q. When you sponsor a bill, is it important to</p> <p>4 you to ensure that that bill complies with the Texas</p> <p>5 Constitution?</p> <p>6 A. I think it's important for legislation to</p> <p>7 comply with the Constitution.</p> <p>8 Q. And what steps do you take when you're</p> <p>9 sponsoring a bill to ensure that the bill complies</p> <p>10 with the Texas Constitution?</p> <p>11 A. Legislators typically rely on leg' counsel to</p> <p>12 fulfill that responsibility.</p> <p>13 Q. Does leg' counsel provide a written opinion,</p> <p>14 or how does that process work?</p> <p>15 A. They do the research.</p> <p>16 Q. And how do you know that they do -- that</p> <p>17 they've done the research?</p> <p>18 A. That's their job requirement.</p> <p>19 Q. Is there any kind of sign-off saying, "We've</p> <p>20 done the research, and we believe that this complies</p> <p>21 with the Texas Constitution"?</p> <p>22 A. By drafting the legislation, that's our</p> <p>23 understanding.</p> <p>24 Q. Does -- if leg' counsel receives a drafting</p> <p>25 request, do they ever refuse to include certain</p>	<p style="text-align: right;">136</p> <p>1 relying on bill drafters and leg' counsel to not</p> <p>2 complete a bill drafting request that violates the</p> <p>3 Voting Rights Act that you use to ensure that a bill</p> <p>4 that you're proposing complies with the Voting Rights</p> <p>5 Act?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Are there any steps that you take when voting</p> <p>8 on a bill, any additional steps, to ensure that it</p> <p>9 complies with federal law or the Voting Rights Act?</p> <p>10 A. Not that I recall.</p> <p>11 Q. When other legislators have alleged that</p> <p>12 particular legislation violates the Voting Rights Act,</p> <p>13 do you take that seriously?</p> <p>14 A. I rely on leg' counsel to do their due</p> <p>15 diligence to make sure that that doesn't happen.</p> <p>16 Q. So if a bill has been drafted and it's before</p> <p>17 the House, it's made its way through leg' counsel, but</p> <p>18 someone on the other side, an opponent of that bill,</p> <p>19 says, "This violates the Voting Rights Act," you</p> <p>20 believe that not to be true because leg' counsel has</p> <p>21 drafted the bill?</p> <p>22 A. I believe that, yes.</p> <p>23 Q. Have any Texas laws ever been struck down</p> <p>24 under the Voting Rights Act?</p> <p>25 A. I don't know.</p>

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<p style="text-align: right;">137</p> <p>1 Q. Are you familiar with the opinion in Texas v. 2 Holder, the litigation in DC about SB 14? 3 A. No. 4 Q. Do you know which way that decision came out? 5 MS. DONNELLY: Objection. Form. 6 A. No. I know there's been a lot of litigation 7 surrounding it, but I don't know -- I don't know 8 where -- where it's at, what it's done, where we're 9 at, why we're here. 10 Q. (BY MR. FREEMAN) Okay. Do you know if there 11 was a Select Committee on Voter Identification and 12 Voter Fraud convened in 2013? 13 A. Not that I recall. 14 Q. Were you a member of the House Elections 15 Committee in 2013? 16 A. No. 17 Q. Do you know if there were any committee 18 hearings held in 2013 about voter ID? 19 A. I don't know. 20 Q. Do you know if there were any bill proposals? 21 A. I don't know. 22 Q. Did you raise any bill proposals about 23 modifying SB 14 in any way? 24 A. No. 25 Q. Are you aware of any cases of in-person voter</p>	<p style="text-align: right;">139</p> <p>1 make this very quick so you'll be able to make it to 2 your game or to watch your game. 3 If you could actually take a look at Exhibit 4 165. 5 A. The e-mails? 6 Q. It wasn't the e-mails, it was the OTB 7 resolution document. 8 A. Okay. 9 Q. And if you just turn to the page labeled 5 at 10 the bottom. 11 A. Okay. 12 Q. And I believe we looked at this a bit earlier 13 today. It's one of your general Q and A questions and 14 answers. And the question at the top of the page is: 15 "Isn't bill" -- referring to Senate Bill 14 -- "Isn't 16 bill now more restrictive than Indiana's or Georgia 17 Law?" 18 If you look at the second paragraph there, it 19 says: "Plus, it complies with the Supreme Court 20 decision because it offsets the new requirements on 21 voters by" -- and then it provides a bullet-pointed 22 list, and the first bullet you see there reads: 23 "Providing access to free photo ID cards"? 24 A. Yes. 25 Q. And then do you also see the third bullet</p>
<p style="text-align: right;">138</p> <p>1 impersonation that occurred in Texas during the 2012 2 presidential election? 3 MS. DONNELLY: Objection. Form. I 4 think that's been asked and answered. 5 A. Not -- not that I recall. 6 Q. (BY MR. FREEMAN) Are you aware of any other 7 cases of in-person voter impersonation that occurred 8 in Texas between May 2012 and June 2013? 9 MS. DONNELLY: Objection. Form. 10 A. I don't know. 11 MR. FREEMAN: Okay. That's all I have. 12 Pass the witness. 13 THE WITNESS: Okay. 14 MS. DONNELLY: Want to take a quick 15 break before we turn you over to this last lady? 16 MS. FARANSSO: Actually, I'll be very 17 quick. 18 THE WITNESS: I'm good. 19 EXAMINATION 20 BY MS. FARANSSO: 21 Q. Just a couple of quick questions. 22 A. Okay. 23 Q. And again, Representative, my name is Tania 24 Faransso of WilmerHale, and I'm here on behalf of the 25 Texas League of Young Voters Education Fund. I'll</p>	<p style="text-align: right;">140</p> <p>1 that says: "Ensuring that obtaining photo ID is no 2 more burdensome or inconvenient than the usual act of 3 voting"? 4 A. Yes. 5 Q. Are you -- with respect to the first bullet, 6 providing access to free photo ID cards, are you or 7 were you aware at the time during the debate on SB 14, 8 of what documentation would be required to obtain this 9 free photo ID card? 10 A. No, I don't recall. But I also wanted to say 11 earlier, when we were talking about this out-of-bound 12 resolution, I said this was my first one to do, I 13 don't actually draft the out-of-bound resolutions. 14 Q. Understood. 15 A. Since he was talking about bill drafting, 16 they're drafted by the leg' counsel, too. But it was 17 the first time I had laid out an out-of-the-bound 18 resolution that I remember on a bill on the floor. 19 Q. Thank you for clarifying that. Understood. 20 Separate and apart from this out-of-bounds 21 resolution, would you have been aware at the time of 22 the documentation that would have been required to 23 obtain the free photo ID card? 24 A. I may have, I just don't remember. 25 Q. Were you aware of the costs in connection</p>

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<p style="text-align: right;">141</p> <p>1 with obtaining that underlying documentation to obtain</p> <p>2 a free photo ID card?</p> <p>3 A. I -- I don't recall.</p> <p>4 Q. Do you recall that there was any debate or</p> <p>5 quantification of the costs of obtaining such</p> <p>6 documentation during the house debate on Senate Bill</p> <p>7 14?</p> <p>8 A. I know we had debate on making sure that the</p> <p>9 election card was free of charge, and where that money</p> <p>10 would come from that it cost the Department to do</p> <p>11 that. That's...</p> <p>12 Q. But you don't recall specific debate about</p> <p>13 the underlying documentation needed to obtain that</p> <p>14 free ID card?</p> <p>15 A. I don't.</p> <p>16 Q. Would information about the costs for an</p> <p>17 individual to obtain a free photo ID card have been</p> <p>18 useful in assessing whether obtaining that photo ID</p> <p>19 was burdensome or not?</p> <p>20 MS. DONNELLY: Objection to the form.</p> <p>21 I think we also clarified when we</p> <p>22 shifted from Mr. Freeman to -- to you, Counsel, that</p> <p>23 the running objection --</p> <p>24 MS. FARANSSO: Yes.</p> <p>25 MS. DONNELLY: -- is still running at</p>	<p style="text-align: right;">143</p> <p>1 Q. (BY MS. FARANSSO) Would you agree that if an</p> <p>2 individual was required to obtain documentation in</p> <p>3 order to even be able to vote, that that could</p> <p>4 possibly impose a burden on certain individuals?</p> <p>5 MS. DONNELLY: Objection. Form.</p> <p>6 A. I can't speculate that that person doesn't</p> <p>7 already have that documentation or that ID.</p> <p>8 MS. FARANSSO: I think I have no more</p> <p>9 questions, unless anyone else does.</p> <p>10 MR. FREEMAN: Why don't we break for</p> <p>11 just a couple minutes to make sure.</p> <p>12 (Break.)</p> <p>13 MS. FARANSSO: We pass the witness.</p> <p>14 MR. KEISTER: We'll reserve.</p> <p>15 MS. DONNELLY: And the running objection</p> <p>16 has finally run its course.</p> <p>17 (Deposition concluded at 1:27 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">142</p> <p>1 this point.</p> <p>2 MS. FARANSSO: That's correct. That was</p> <p>3 my understanding.</p> <p>4 MS. DONNELLY: That's the understanding</p> <p>5 of all counsel?</p> <p>6 MR. ROSENBERG: Yes.</p> <p>7 MS. FARANSSO: That's correct.</p> <p>8 Q. (BY MS. FARANSSO) You can answer.</p> <p>9 A. I don't recall the question. I'm sorry.</p> <p>10 Q. That's all right.</p> <p>11 MS. FARANSSO: Could you read back?</p> <p>12 THE REPORTER: "Would information about</p> <p>13 the costs for an individual to obtain a free photo ID</p> <p>14 card have been useful in assessing whether obtaining</p> <p>15 that photo ID was burdensome or not?"</p> <p>16 A. I can't answer.</p> <p>17 Q. (BY MS. FARANSSO) What would you define to be</p> <p>18 a permissible burden in terms of the -- of what an</p> <p>19 individual would need to do to be able to vote?</p> <p>20 MS. DONNELLY: Objection. Form.</p> <p>21 A. I think voting is sometimes burdensome. I</p> <p>22 voted in three locations on May 27th for three</p> <p>23 different elections, so, you know, it's -- it's not</p> <p>24 easy, but it's our responsibility. I take it</p> <p>25 seriously.</p>	<p style="text-align: right;">144</p> <p>1 REPORTER CERTIFICATION</p> <p>2 THE STATE OF TEXAS :</p> <p>3 COUNTY OF HARRIS :</p> <p>4 I, DENYCE SANDERS, a Certified Shorthand</p> <p>5 Reporter and Notary Public in and for the State of</p> <p>6 Texas, do hereby certify that the facts as stated by</p> <p>7 me in the caption hereto are true; that the above and</p> <p>8 foregoing answers of the witness, REPRESENTATIVE</p> <p>9 PATRICIA HARLESS, to the interrogatories as indicated</p> <p>10 were made before me by the said witness after being</p> <p>11 first duly sworn to testify the truth, and same were</p> <p>12 reduced to typewriting under my direction; that the</p> <p>13 above and foregoing deposition as set forth in</p> <p>14 typewriting is a full, true, and correct transcript of</p> <p>15 the proceedings had at the time of taking of said</p> <p>16 deposition.</p> <p>17 I further certify that I am not, in any</p> <p>18 capacity, a regular employee of the party in whose</p> <p>19 behalf this deposition is taken, nor in the regular</p> <p>20 employ of his attorney; and I certify that I am not</p> <p>21 interested in the cause, nor of kin or counsel to</p> <p>22 either of the parties;</p> <p>23 That the amount of time used by each party at</p> <p>24 the deposition is as follows:</p> <p>25 MR. ROSENBERG - 01:30:09</p> <p>MR. FREEMAN - 01:21:56</p> <p>MS. FARANSSO - 00:05:32</p> <p>GIVEN UNDER MY HAND AND SEAL OF OFFICE, on</p> <p>this, the 23rd day of June, 2014.</p> <p><i>Denyce Sanders</i></p> <p>DENYCE SANDERS, CSR, RPR, CRR, TCRR</p> <p>Notary Public in and for</p> <p>Harris County, T E X A S</p> <p>My Commission Expires: 4-14-17</p> <p>Certification No.: 4038</p> <p>Expiration Date: 12-31-15</p> <p>U.S. LEGAL Support, Inc./Firm No. 122</p> <p>363 N. Sam Houston Parkway, 12th Floor,</p> <p>Houston, Texas 77060; 713.653.7100</p> 

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